

## COUNCIL CHAMBER

Regular Meeting

September 23, 2014

The sixty-second meeting of the City Council of Charleston was held this date convening at 5:00 p.m. at the City Hall.

A notice of this meeting and an agenda were mailed to the news media September 17, 2014 and appeared in The Post and Courier September 21, 2014 and are made available on the City's website.

### PRESENT (12)

The Honorable Joseph P. Riley, Jr., Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Williams	District 2	Councilmember Seekings	District 8
Councilmember Lewis - <i>absent</i>	District 3	Councilmember Alexander	District 9
Councilmember Mitchell	District 4	Councilmember Riegel	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

Mayor Riley called the meeting to order at 5:00 p.m.

The Clerk called the roll.

Mayor Riley said, "I would just like to say, and City Council knows, James Lewis, who is a very dutiful member of City Council, was hospitalized at the end of last week. I had the pleasure of visiting him at the hospital and staying in touch with him. He is now home. I talked to him this afternoon, and he was just resting. I said, 'can I do anything for you?', and he said 'get the moratorium passed'."

Laughter filled the Chamber.

Mayor Riley continued, "The other thing, if I had the presence of mind I would have reminded him that we had the Cannon/Spring two-way, because if there's any project that Councilmember Lewis was dogged in his pursuit of, it was that. I'm sorry that he wasn't here tonight to vote for it. I will call him tomorrow and let him know that it passed unanimously. Now, I am pleased to call on Councilmember Robert Mitchell to opening our meeting with an invocation and then lead us in the Pledge of Allegiance to the flag."

Councilmember Mitchell opened the meeting with an invocation.

Councilmember Mitchell then led City Council in the Pledge of Allegiance.

Mayor Riley said, "Well, it's a pleasure to welcome all of you to your City Hall for this regular scheduled meeting of City Council. We will begin with a proclamation and presentation,

and I would like ask Anne McGinness Kearse to join me here. Ms. Kearse is with me, and she is an attorney with Motley Rice, and they have worked for over two decades on behalf of those who have been affected by toxic asbestos exposure, including many former Charleston Naval Shipyard workers. Anne serves in a managing role for the firm's occupational health and catastrophic injury practice groups. Her work has been instrumental in causing the implementation of better safety practices and corporate governance measures, as well as holding companies accountable for their consumers' and employees' health and safety. As many of you may know, Motley Rice's co-founder, Ron Motley, passed away this past year. Ron dedicated his life profoundly as a trial lawyer to fighting for those harmed by asbestos exposure and was hailed by many as one of the greatest trial lawyers in history. I'm proud to have known him, and proud to be able to say that he was a friend. I knew him when he was a young lawyer, a long, long time ago. He never gave up when fighting for a cause he believed in. Anne's early days as a trial lawyer started alongside Ron. He mentored her and inspired her to go to law school. Now, she, along with others at Motley Rice, are seeing that his legacy lives on, carrying his passion for justice for everyone harmed by asbestos exposure. Today, as we dedicate Friday, September 26, 2014 as Mesothelioma Awareness Day, I dedicate this proclamation to all the victims of mesothelioma and other asbestos-related diseases. This Friday and going forward, let us not forget the work that has been done and the work that is yet to be done regarding asbestos legislation. Unfortunately, people are still falling victim to this disease. Now, it's my pleasure to present this proclamation.

Mayor Riley read the proclamation.

---INSERT PROCLAMATION---

Mayor Riley said, "Anne, thank you for continuing to wage this courageous battle, and also my continued condolences to you and the members of your firm because I know you miss Ron very much."

Ms. Kearse said, "Thank you, Mayor, Councilmembers. We do miss Ron very much, and before I thank you for this, there is a verdict that came down yesterday in New York City on behalf of terrorism funding that is the first, I think, in the nation. Ron's legacy will not only be for hopefully eradicating asbestos, but hopefully to eradicate the funding for terrorism, which was a historical verdict, and was Ron's idea in 2004."

Mayor Riley said, "It was. I'm not surprised."

Mrs. Kearse continued, "Mayor, thank you so much on behalf of not only my firm, but more importantly, the victims of asbestos-related disease, and the families that have suffered for many years. Unfortunately, although asbestos is not used as much today, it's still not banned, and a lot of people will develop disease who were exposed to it 30, 40, 50 years ago. Our firm and many of the victims who actually have succumbed to the disease have really made an effort, more so over the last couple of years, to attempt to make people aware, not only of the disease, but also about the conduct that led to so much exposure of some of the information that never got out. So, we promote the sunshine on allowing people to learn about the disease, but, more importantly, to not let the folks be forgotten who succumbed to the disease, and hopefully this is not going to be an international problem. I was in India last year. Asbestos is being shipped to third world nations. It's still tragic, and we hope history does not repeat itself. Mayor, thank you very much and Council. This is very important to our families and the victims of asbestos-related disease."

Mayor Riley said, "Thank you very much. The best of luck."

Applause filled the Chamber.

Mayor Riley said, "The ITN (Independent Transportation Network) Charleston Trident is here to give a short presentation to Council. I would like to invite the ITN Charleston Trident Board Chair, Belinda Swindler; Vice Chair, Dave Neff; Executive Director, Jim Ledbetter; and a Member Rider, Amelia Taylor, to join me up here."

Dave Neff said, "Good evening, everyone. My name is Dave Neff, and I'm the Vice Chair for the Independent Transportation Network Charleston Trident. We're an organization that provides affordable transportation for senior citizens and those who no longer drive due to impairment. I'd like to introduce Amelia Taylor, who is one of our Member Riders, and Belinda Swindler, who is Chairman of our Board. What I'd like to do this evening is make a special presentation to Mayor Riley for the help and support you all have provided us since the very beginning. You provided us seed money in 2005 to get our organization started. We also had support from the City of North Charleston, Mt. Pleasant and the County. Over that period of time, we've actually served over 950 citizens of our community, visually impaired and senior citizens, and we're fast approaching 50,000 rides coming up in December. In fact, on occasion we called upon Mayor Riley to help us with transporting some of our member riders when we hit milestones, in terms of number of transports. We've had a major increase in our rides program this past year. It has increased over 20% from last year to this year. So, we're seeing a growing need in the community, and we very much appreciate the support that you all have provided. What I'd like to do is turn this over to Amelia Taylor, one of our Member Riders, who has benefited from our services. Amelia Taylor."

Councilmember Riegel was excused from the Chamber at 5:15 p.m.

Amelia Taylor said, "I'm Amelia Taylor, and all I can say is that ITN services is very, very good, and you enjoy not only the ride from your home to your destination, but you also enjoy the person that's traveling with you. They are very professional, very kind, very helpful, and it's been a very good program. I think a lot of seniors should join, because really it's helpful. It helps me because I don't like to drive, and I'm a very nervous person."

Dave Neff said, "I will say, as a volunteer driver, I enjoy transporting our Member Riders. I work full time at MUSC. We're actually a supporter of ITN Charleston Trident. I think sometimes the drivers get more out of this than the riders because we meet some wonderful people. So, Mayor Riley, on behalf of ITN Charleston Trident, we'd like to present to you this certificate of appreciation, and thank you for your support."

Mayor Riley said, "Well, thank you. Thank you very much, Dave, and thank you all. You know I remember so vividly when Jim was in my office, however many years ago. Who else was with you (asking Dave)?"

Mr. Neff said, "Paul Frank and Terry Brown."

Mayor Riley said, "Terry Brown, a retired Marine, never say ex-Marine, and they presented this idea, and it just seemed so wonderful. The thought of volunteers helping people who need rides to the doctor's office or other things. So, we proudly helped start it, and it's wonderful. I had the pleasure of taking this dearest gentleman for the 25,000th ride. I remembered he lived right off of Camp Road on James Island and he was from Pittsburgh."

Councilmember Wilson is from Pittsburgh, and he was the cutest guy, and I'm like you, Dave, I enjoyed so much just chatting with him or listening to him as I was driving him, and I took him to the Senior Center. It's just such a wonderful thing, and he lived with a niece who worked, so his freedom was so enhanced by the fact that he would be able to get out and get to places that he needed and wanted to go. So, anyway, it's just wonderful. Congratulations, and I look forward to taking the 50,000th rider not too long from now. Thank you very much. Congratulations."

Councilmember Riegel returned to the Chamber at 5:17 p.m.

Mr. Neff said, "Thank you sir. We have a real quick, short video, if that's okay."

Mayor Riley said, "Sure, you bet."

Applause filled the Chamber after the video presentation.

Mayor Riley said, "Thank you, Dave, Jim, ladies. Thank you all so very much. Now, we will proceed with public hearings. The first is an ordinance providing for the issuance of \$5,000,000 Accommodations Tax Revenue Bonds as amended. Would any citizen like to be heard on that?"

No one came forward to be heard.

Mayor Riley said, "Hearing none, the matter is before City Council. Any discussion?"

On a motion of Councilmember Seekings, one (1) bill (Item E-1) received second reading. It passed second reading on motion of Councilmember Gregorie and third reading on motion of Councilmember Seekings. On further motion of Councilmember Riegel, the rules were suspended and the bill was immediately ratified as:

**2014-124** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$5,000,000 ACCOMMODATIONS TAX REVENUE BONDS OF THE CITY OF CHARLESTON, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO. **(AS AMENDED)**

Mayor Riley said, "We have members of Leadership Charleston, who are visiting us today, and we'd like to welcome you. Are you around here? Up there? Wonderful, and down here. Thank you all for coming. Thanks for participating in Leadership Charleston. Let's give them a big round of applause."

Applause filled the Chamber.

Councilmember Riegel said, "Mr. Mayor, I do have to reach out to Ms. Karen Marcis. She works for Wells Fargo and promised to work on my mortgage rate. I don't know where she went, but I wanted to give a shout out to you, Karen. Where are you?"

Mayor Riley said, "Here she is, right down here."

Councilmember Riegel said, "Okay, there you are. Thanks, Karen."

Mayor Riley said, "Thank you, sir. Now, we have an ordinance relative to the Entertainment District Overlay Zone. We actually have two ordinances relative to that, so we might take them up together. "

Councilmember Alexander said, "Mr. Mayor. I'd like to separate the two items please."

Mayor Riley said, "Sir."

Councilmember Alexander said, "I'd like to separate Items E-2 and E-3 please."

Mayor Riley said, "Sure. Mr. Keane is the Director of our Department of Planning, Preservation and Sustainability. So, he will present these ordinances, and then there will be an opportunity for questions from City Council before debate. Then, we will present, I'll say a few words, and then we will have a chance for the public to be heard. At that point in time, if anybody is upstairs, you will need to come downstairs and use one of these two microphones. They are not just used for amplification purposes, but for helping the fabulous Clerk's office accurately transcribe the minutes of the meeting. Give your name and address, even if we know each other very well, and it seems silly. We will ask everybody to try to keep their remarks to two minutes, if possible, so that we can allow many people to be heard, and if there is an issue where a lot of people want to be heard, and you feel like your point has already been made sufficiently, we will allow you to stand and raise your hand. With that being said, Mr. Keane."

Mr. Keane said, "Mayor, given that we have separated these items, do you want me to go through number E-2 first and take that up."

Mayor Riley replied, "Sure."

Mr. Keane said, "Number E-2 is the one that came to City Council in May. It is a Zoning Overlay District. I have a map of it (pointing to the map) here that covered King Street, from Poplar to Broad, Meeting Street, from Broad to Sheppard Street, Market Street and East Bay Street. All the areas are zoned General Business and Light Industrial. This is the Overlay District we originally gave first reading to, and it was a Zoning District, of course, which was a permanent rezoning of all these properties to limit new bars and restaurants to the hour of midnight in terms of how late they can stay open. This went to the Planning Commission of course, we have another item right after this that we will get into, but the Planning Commission recommended denial of this Overlay District."

Mayor Riley said, "I guess just for the audience to know, what we have is an ordinance that was sent to the Planning Commission. They recommended denial of it and then recommended another ordinance to replace the moratorium. So, they are separate issues. We can discuss this and then move on to the other, or we can do them at the same time, whatever you want. The motion was to separate them. The Planning Commission recommended denial. Is there a motion to deny?"

Councilmember Seekings made a motion to deny item E-2. Councilmember Gregorie seconded the motion.

Mayor Riley said, "Any discussion?"

On a motion by Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to deny the following bill.

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by creating the Entertainment District Overlay Zone (ED), adding regulations for the ED Overlay Zone to restrict the hours of operation for specific types of land uses and changing the Zone Map, which is part thereof, so those certain properties zoned General Business (GB), Urban Commercial (UC), Mixed Use (MU-2), Mixed Use Workforce Housing (MU-2/WH) or Light Industrial (LI) as shown on the map attached to this ordinance as Exhibit A and labeled "Proposed Overlay" be rezoned to the ED Overlay Zone. (DENIED)*

Mayor Riley said, "Then, we have an ordinance from the Planning Commission recommending a temporary moratorium of 12 months."

Councilmember Mitchell made a motion to approve item E-3. Councilmember Waring seconded the motion.

Mayor Riley said, "The motion has been made and seconded."

Tim Keane said, "We presented to the Planning Commission an alternate ordinance, not a Zoning Overlay District, but, in fact, a moratorium that we proposed be 36 months, again for the same geographic area limiting new bars and restaurants to the hour of midnight. The Planning Commission recommended this proposal, provided it was for a period of 12 months. So, the Planning Commission recommended the moratorium as an alternative to the Zoning Overlay, provided it was 12 months. We have yet another alternative for you to consider tonight, and you have a new ordinance that we are proposing. Since the Planning Commission meeting, we've continued to meet with industry people and property owners regarding this issue. Of course, we've been hearing from many people on this issue and have an alternate proposal, which, again, is a moratorium. This item that we are recommending to you tonight is a moratorium on a smaller geographic area. This map represents what's in this final version that we are recommending, and it limits the moratorium to the area on King Street, essentially the same area that was included previously, but just on King Street from George Street north all the way to Poplar Street. So, really it's targeting King Street, the area that we're most concerned about, and we will get into all of this. Anyway, I'm just giving you the technical aspect of this. It's a smaller geographic area. Then, also in the ordinance you will see that we are going to create a committee that's going to study this issue, and the ordinance states that the study committee will present reports to City Council every six weeks and that the moratorium period would conclude on September 22, 2015. It has a specific day, which is about a year, but it will be your Council meeting on September 22, 2015. That's what we're recommending to you tonight. Again, it's the same time period the Planning Commission had recommended, but it's a slightly smaller geographic area. That's it for me."

Mayor Riley said, "What we're going to do then, in presenting this, is call on Chief Mullen, if that's okay."

Mayor Riley recognized Councilmember Waring.

Councilmember Waring said, "I do want a point of clarification. Hopefully, we are going to be discussing the proposal on our desks, and I don't know if that's what Councilmember Mitchell moved for approval on, which I seconded. I'd like to discuss what's on our desk today if we could. Is that what we have on the floor now, Madam Clerk?"

The Clerk said, "Right now, you have Item E-3 on the floor."

Mayor Riley said, "What I think you would want is the proposed ordinance that would be an amendment."

Mr. Keane said, "That's the one on your desk."

Mayor Riley said, "The one on your desk is not the right one."

Councilmember Waring said, "Thank you."

Councilmember Alexander said, "Would it not be Item E-3, as amended by the ordinance, which is on our desk."

Mayor Riley said, "That's right."

Councilmember Waring said, "If you amend the motion to that, I'll second it."

Councilmember Mitchell said, "I'll make a motion on that."

Councilmember Waring said, Well, I second that. That's what's on the floor. Thank you."

The Clerk said, So, you're making a motion for the amendment, and you 're seconding it?"

Councilmembers Mitchell and Waring confirmed.

Mayor Riley said, "What I thought we would do is have Chief Mullen present the information, and I'll say a few words as the City is presenting the issue. Then, we'll open it for public comment. Then, it will be before City Council for discussion. Yes sir."

Chief Mullen said, "Thank you, Mayor. Members of City Council, thank you. I would like tonight to just talk with you a little bit about what we've been seeing for the past four or five years. Many of you have heard me talk about this before, many of you have had conversations with me, and many of you have observed some of the things that we have talked about in terms of King Street. You've passed a number of ordinances that we've been able to try to do to incrementally change the landscape and environment in terms of the late night activity that goes on downtown. As Councilmember Waring often says, I try to think about things outside of the law enforcement perspective, and what I'm going to really try to do tonight is narrow it down to law enforcement perspectives because I think that's what all of you have been asking for and that's what you want to hear. I'm not going to talk about the things that I think have had an ancillary impact on this area. I'm just going to talk about crime statistics and talk about businesses, and then I will be happy to answer any questions that you have. As I talk tonight, I know that you have on your desks an ordinance that talks about the geographic area from George Street to Poplar Street. What I'm going to talk about tonight, though, is the downtown area to give you an overall perspective because while the focus of this moratorium will be between George Street and Poplar Street, the outcome of this and the importance of this, in my view, has a lot to do with this whole area, as well as other unrecognized nightlife venues and nightlife areas that could pop up around the City. So, while focusing on a small geographic area, the outcome of this, in my view, has significant impact on the future of the City. What I want to

do is give you some data, and that's what my role is tonight, and what we're going to talk about is enforcement action.

There are a lot of incidents that occur in the downtown area and we can talk about incidents, but what I felt like would be most appropriate for me to relay to you tonight, is the enforcement action, which means that we as police officers are actually putting our hands on someone or we're putting them into the criminal justice system. This is a comparison of day and night time contacts in terms of enforcement activity. There have been a lot of questions about whether there is really a correlation between crime and the late night activity of the City. So, this is the area that we're talking about (pointing to map). The blue is the daytime activity, and the red is the nighttime activity from 5 p.m. to 5 a.m. As you can see, there's a clear trend of arrests going up starting in 2010, and our projections for 2014, is that they're going to clearly exceed the area of 2013."

Mayor Riley said, "If you just would go back a second, I want to do something. Obviously, this is for 75% of the year, so if you just mentally compute another 25%, you will see that the trend continues and exceeds the previous year."

Chief Mullen continued, "Just to give you additional comparisons, what we did was we went back and looked at arrest data for the other teams within the City. The orange is Team 3, which is the James and Johns Island of the City, the purple is Team 5, and the rust is Team 4, which is the entire West Ashley area. The red line that you see running through those comparisons is basically the nighttime arrests that occur in the downtown area from 5 p.m. to 5 a.m. You can see there clearly that they exceed the arrests for all of James and Johns Island for a 24-hour period, and what we're looking at with the red line is just a 12-hour period. As it continues to grow, and as you see in 2014, that is 81 percent of the entire arrests in West Ashley that has been taking place in the downtown area already. If you were to add the day time activity to that, you would come up with 1798, so, there's actually 12 more arrests in the entire West Ashley area than there had been in the downtown area for 2014."

Mayor Riley said, "Again, this is just September and you can see that it's increasing from 2013 as it increased in 2012. In 2013, the nighttime arrests were 68 percent of all the arrests in West Ashley, and this year we're running at a ratio of 81 percent. So, for the year, we'd go off the screen, and it shows the continued increase year after year. "

Chief Mullen said, "Just some specific issues that we're looking at, disorderly conduct and assault violations; there is a lot of that occurring in terms of the activities and interactions that we have downtown. There's certainly going to be an increase in that number for 2014, as well. For alcohol violations, you can see that there's a clear escalation. In 2013, we really started to become worried about the downtown area. You can see that there was a huge increase, and there has been some speculation that this increase occurred because we've added additional resources. We didn't add the additional resources to the area until 2014, because we became very concerned and very nervous. As I said before, I've tried to be holistic about the downtown area. There are a lot of things in my line of work that I can't put a number on, but I can tell you that I am very, very concerned about what's happening in the downtown area. We talk about the tipping point, and we talk about crises. I know that probably some people that stand up tonight will talk about crises in terms of a legal perspective, as they talk about the moratorium. I've had this conversation, so, I'm not saying anything now that I haven't said before, but from my perspective, crises is when you start having events here that are occurring around this country in entertainment districts; where you're having shootings, where you're having massive number of assaults, and where you're having DUI's that are driving



through sidewalks and killing people. That's my definition of crises, is what I feel and see, the potential of this occurring in the downtown area, and I think that alcohol is driving that. While I am certainly not against alcohol establishments, and I would like to make that statement publicly because a lot of people think that I am. I am against the behavior that I'm starting to see that scares me and scares my officers that are working down there, in terms of things that can possibly happen. False ID's again, that's just an indication of people who are trying to get into establishments and this is just those people that we have found. We're starting to see more and more of this. We are working closely with SLED to try and maintain administrative violations as well as the criminal violations that we have here. Narcotics violations, not a large number, but again it's an indicator for us as you start to see that number increase, it's bringing in a different element to the area, and it is a concern that we see that is going forward. As for weapons violations, it is very small number. However, when you start to see narcotics and guns in an area where there are lots of people and lots of activity, again, those are indicators that you're starting to see problems occur that could erupt very quickly, and when they do erupt they can happen to the point where you have significant injuries. Again, I am not standing here tonight trying to convince you that six or seven guns and a few hundred drug arrests is a crisis. What I'm here to tell you as your Police Chief, and as a person who's been dealing with this for almost 28 years now, is that these indicators are things that you don't ignore, because if you ignore them when they come to fruition, they come to fruition in a very dangerous and a very scary way.

When we looked at all the Class 7 establishment licenses, there are 146 of those in the City; 70, or 48 percent of them, are in this targeted area that we're talking about. So, almost 50% of your Class 7 licenses are 7a and 7b, which basically says that you can stay open after midnight and you can serve alcohol. It is a 35 percent sales percentage that makes a differentiation between 7a and 7b. So, 70, or 48 percent of those, are in this targeted area; almost 50 percent citywide. Now, one of the very interesting things that I think is important for you to consider when you're looking at this, just another statistic or point of data, is that at 37 percent of your storefronts from John to Columbus Streets are actually late night entertainment areas; so, 37 percent of every storefront from John Street to Columbus Street has a late night entertainment establishment in it right now. So, of those 70, and there's been some discussion about numbers of actual places that are open, and how many of them are actually serving at night, of the 70 that are in our targeted area, that's the potential. When we talk about occupancies, there are about 8,200 person occupancies currently available in this targeted area, and that's from Calhoun Street, George Street down to the Spring Street area. As for availability, we have to look at availability because a lot of people will say 'well, they're not all open right now after midnight'. Well, it could be, so when we're looking at this from a perspective of the future, we have to look at it in terms of what the potential is, not what might be right now. So, of the 70 establishments that are down there right now that could be open after midnight, this past Saturday night, I had officers walk those streets; 35 of those were open on King Street at one o'clock Saturday morning. That's King Street and the side streets between Meeting and St. Philip. So, 35 establishments were open at one o'clock, serving alcohol on Saturday night; 22 were open in the Market area, so 57 of those 70, or 81 percent, were open this past Saturday night at one o'clock in the morning. I'm not sure where some of the other numbers are coming from, but I can tell you the police officers who walked the streets this past Saturday night listed all of these businesses and it was 81 percent of that 70. So, for people to say that there are not a lot of late night entertainment establishments open, right now in terms of the occupancy level, 81 percent seems to be a pretty large number, and that doesn't include those that are in the process right now, which I believe there are four at this particular point.

Now, there have been some questions about staffing, as well. There has been a lot of 'just go down there and arrest everybody' or 'just go down there and put everybody in jail'. I don't know what the magic number is for arrests to make people think that there's a problem down on King Street, but I can tell you that we can probably double or triple the number of arrests that we have up here, but that's not what we're about. We're not about going out and locking everybody up that violates the law, and I don't think that that is what this Council or anybody else in this community wants us to do. What we're trying to do is get voluntary compliance. We're trying to work with the businesses and create an environment where people can come down, be responsible, have a good time, and not worry about getting injured or assaulted or having some kind of major event occur. However, if that's what the decision is, if you want us to go down there as a heavy police presence and utilize enforcement specifically, which has been what some of the business representatives have suggested, this is the staffing model that we would need to do. What that would do is it would put two B officers per block face in terms of these areas where there's very heavy concentration. On the off nights Sunday through Tuesday, we would staff those with one officer. We would need about nine bicycle officers that would cover this area because as these places continue to grow and expand, they're on the side streets; we have to be back in the neighborhoods to prevent things from happening in those areas as well. What we would need basically is a 52 officer contingent. Right now, we have a 22 officer contingent that works in Team 1 and Team 2, so that will be 26 additional officers, and based on the increases and the enforcement effort, we would have to have dedicated transport personnel as well, so an additional 28 persons. Now, the cost of 26 officers is about \$100,000 per officer to begin with."

Mayor Riley said, "That is not just their salary; that's salary, their car, their annual training, sick leave, vacation, going to the firing range and all of that, but that amounts up to the needs of one officer."

Chief Mullen continued, "Then, the transport officers, their salaries would probably be around \$50,000 a piece, and the transport vans that we are occupying right now cost about \$70,000 a piece. So, if we decide that we want to do a complete enforcement model, this would be what we would be requesting. I'm telling you right now that this is not the direction I want to go in because I don't think it's the right direction. However, if we are directed to do that, then that's what we would need."

Mayor Riley asked, "What was the cost of that?"

Chief Mullen replied, "It would be about \$2.7 million."

Mayor Riley asked, "Per year?"

Chief Mullen said, "The first year would be about \$2.7 million, and then after that you would be able to back that down because once you purchase the cars and the equipment that's not continuing; so, that's about \$25,000 per officer. So, what we would ask if you approve this one year moratorium, this is basically a work plan that we would like to address. The beginning of that would be a developmental phase. You would be identifying the people you would want on your committee, and that would be an organization which would take somewhere between 30 and 60 days for them to orient themselves. Then, it would go into the information gathering. They would be talking with the different stakeholders, community groups, and also we would ask that we involve a research company that we've been working with for about five years now, called the Responsible Hospitality Institute. They have conducted assessments all over the country in terms of how to properly develop and manage hospitality zones in a way that they

can be productive, vibrant and profitable, and at the same time not overburden the City or the community that's surrounding them. The exploring stage would be obviously looking at all the types of options that are available, trying to come together with the information that is available from all the different sources, and coming up with what we consider the best solutions. After we identify the best solutions, we would go into phase four which is planning, where we would be writing ordinances. What we would expect to come out of that is a series of ordinances, criteria, and standards that we would be operating on. What we would do, at that point, is look at all the current ordinances that we have, see what we need to revise, update or combine, and then create those ordinances. Then, in the action and implementation phases, we would be having the actual documents go through legal review. They would go through the Planning Commission, and then they would come back to City Council for a final approval.

Throughout this process, what we would anticipate is that we would be coming back to Council every six weeks, giving you an update of what we have discovered at that point, and if, during this period of time, there are ordinances or criteria or standards that we feel like it would be appropriate to go ahead and ask you to enact or to review, then we would be asking you to do that as we move through this process. Based on this timeline that we have, this process would take somewhere between 8 ½ and 11 months. If it could be done quickly, then we would get it done quickly. I think what the Mayor is going to talk to you about, though, is this is a process that could have a very defining moment on the City of Charleston and why we want to do it quickly? We want to do it in a manner that has rigor and so that we don't rush through this. I believe, based on what we have looked at, there are a number of objectives that we have in the bottom there that we want to try to determine. Then, as some of you have asked, 'what does success look like'? Success to this program looks like a set of ordinances, criteria and standards that we can bring back to you, that talk about the operation, as a whole, of the nightlife areas that are currently in operation in the City in the downtown area, and it can also be utilized for other unrecognized nightlife areas that could pop up at other parts of the City. What the ultimate goal would be, is to bring those back to you, and be able to stand here and tell you that all the organizations that have input in this, the community members and all the folks have had an opportunity to communicate about this process. Hopefully, they can come up and tell you they support this, they have been heard, and that they feel like there have been mutual, agreeable options and alternatives that have been selected."

Mayor Riley said, "Thank you very much, Chief Mullen, for this wonderful presentation and the very hard and effective work that you provide, and the men and women of your Police Department. Just a couple of things then we'll open the floor. Where is Frances Cantwell? Did you want to add anything?"

Ms. Cantwell said, "No, sir."

Mayor Riley said, "One thing, if we could just go back a minute. We had a lot of talk about the tipping point and our experiences, Chief Mullen's and mine, I've worked with him closely, daily communication, often regular meetings, sometimes evening, and what I sensed was that there was an exponential growth of the late night establishment and crowds and all of that. We were reaching a point to use the term 'the tipping point', and seeing the statistics, to me, that so clearly showed it. The dramatic number this would end up being, it would be off of this chart. If there's any doubt, there was a rapid geometric growth that's not consistent with, respectfully, a livable City. I just have a few things here, really two slides to show you. Jane Jacobs wrote the most profound book about the American city or any city. She was honored around the world. *The Death and Life of Great American Cities* was published in 1961. She was a resident of a neighborhood in New York and actually wrote an article for Fortune Magazine in

the late 50's, and the editor of the Fortune Magazine, William H. "Holly" White, and others of the Rockefeller Foundation urged her to write a book. I have two quotes from the book. The first is about the diversity of the street, which we talked about in our main streets. In King Street, you have diversity of uses that are energetic and interesting to make a street. So, this was in the book, 'the ubiquitous principle is the need of cities for a most intricate and close-grained diversity of uses that give each other constant mutual support both economically and socially'. Stated another way, if the street becomes dominated by one use or dominated by late night alcohol serving establishments that are not open at 11 in the morning and don't have any retail or other activity during the day, then the street has been damaged. Then she wrote this in the 1960's about her neighborhood, something obviously similar was going on there, 'night spots are today overwhelming the street and are also overwhelming the life of the area; Into a district excellent at handling and protecting strangers they have concentrated too many strangers, all in too irresponsible of a mood, for any conceivable city society to handle naturally; the duplication of the most profitable use is undermining the base of its own attraction, as disproportionate duplication and exaggeration of some single use always does in cities'. Respectfully, that is what just happened here. It's a use that is a good use of a restaurant or bar. It's a happy and healthy activity in the City. It is the duplication of it and the concentration of it, and what it produces, those alarming statistics, the tipping point, the concentration of that. Then, it changes the quality of the area and undermines the base of its own attraction. It's basic attraction and why I think, respectfully, some people who run establishments in the neighborhoods really need to stand up and say that the duplication of the most profitable use is undermining the base of its own attraction. That's the point that this eventually will undermine. The base of the attraction will undermine the street and the districts where these establishments are because of the duplication of this use of people who are in a large group and in too irresponsible a mood. We saw two examples on King Street this year. One person died as a result of a too irresponsible mood and another one could have been killed by being coldcocked because of an irresponsible mood in an area that had the concentration of these uses too dense and too concentrated.

So, what we are proposing is this moratorium, as Chief Mullen outlined, be amended to be north of George Street. That's because I had representatives of the restaurant industry come to me and say 'if you would agree to reduce the district to upper King Street, we will lock arms and join you in this', so I said, 'that sounds reasonable'. Anyway, there obviously has been a change of position, but I think that upper King Street was the area of greatest worry, and I think the focus on that is reasonable. So, what is proposed is a 21-person committee, one appointed by each member of City Council, and I will appoint one. I will appoint the remaining eight, trying to make sure that there is a balance. After each of you make your appointments, it might be that we need someone in another business or industry, or maybe there's another restaurateur or person who runs a late night establishment that has particular experience, and their participation would be missing, or maybe there's a neighborhood person and we need some people in the overall City, and maybe we're missing something. You all can give me ideas for those, too. This committee is not a jury, so it's not like we're creating a 21-person committee and we're bound by a 10 or 11 vote or something like that. This is a committee to get input, come up with a range of ideas, recommendations, and considerations, all of which then will be before City Council for your determination. So, no prerogatives of City Council are being lost, but rather, this is to bring as much information and input as possible.

On the length of time, I would have arguably liked another month, but I think this is good, and a year is what the Planning Commission said. The process would include the various steps that Chief Mullen showed you and getting good feedback, good participation, not just a public hearing, but bringing in people in the industry, letting them come before the meeting and talk for a good while and be asked questions. We would do the same thing with the neighborhoods and

research around the country and around the world. We are not the first city that has tackled this challenge. It's a challenge of success, and it's a responsibility of guidance, so we will research the cities, the country, and around the world, and bring back those ideas for consideration.

Then, every six weeks, as it was mentioned, a report will be brought to City Council. Even if there's nothing happening in the six weeks, we want to hear that. I don't think that will be the case, but then also another member of City Council said that we won't have to wait until the conclusion of the committee if there's a good idea, whether it's handling parking or something else that City Council can say, 'let's move on that right now.' We don't have to wait on next September or next August to do that. So, all prerogatives are retained by City Council, but we give this City of ours, this great American City, this great world city and its citizens now and in the future, the opportunity for this pause for study and analysis. Then, they will bring back ideas that enable us to better guide and manage our City. So, with that, what I'd like to do is see if anyone would like to be heard, and again, use the microphones and give us your name and address. If you're upstairs, you need to come down, and I ask that you keep your remarks to two minutes. Yes, ma'am."

The Clerk said, "Mayor, just for clarification, because I know that City Council has approved the denial as did the Planning Commission, that was their recommendation for E-2. When we take the public hearing for E-3, we should include E-2, just in case."

Mayor Riley said, "Sure, that's right. If you want to comment on the first ordinance, for a three year moratorium the Planning Commission denied, if you want to comment on what the Planning Commission recommended which was a 12 month moratorium, or if you want to comment on this (referring to the ordinance on the Councilmembers' desks), which is a 12 month moratorium but for a district smaller than what the Planning Commission dealt with, all of that, rather than have separate items, you can comment on any aspect of this. Let's start on this side first. Anyone want to be heard here? No one on this side. Is there anyone over here? Yes, sir."

1. Mohammed Idris said, "Mayor, Council, I am trying to find out about the area between George Street and Poplar Street. What are they saying about that, between George and Poplar Street?"

Mayor Riley said, "From George Street north to Poplar Street, the King Street area between St. Philip and Meeting."

Mr. Idris continued, "Mayor, Mohammed Idris. Mayor Riley, City Council, thank you, Chief Mullen. I can hear the sincerity in your voice, and may God bless you. We see bars going on all the way up King Street. It should stop because, as the Chief said and anybody that has any kind of sense that lives in a big City, there is going to be some tragedy happening in those areas. In those areas, there are going to be big problems with that alcohol. When we look at what Burris is doing right now. He is building a big mansion-like building from selling alcohol and getting people drunk, and alcohol kills more people than drugs kill these teenagers regardless of what color they are. So, now this should be stopped, period – no more bars on King Street. We voted the other day at our neighborhood council because someone wanted to open up a bar right next to the church, and we said 'no, that is enough; enough is enough.' These children are going to be killing each other. All kinds of things are going to be taking place on King Street. I know it is the King's street, and I know this is King Charles, but tell him to take that drink down on the Battery somewhere. We don't need any more bars on King Street. Thank you."

Mayor Riley said, "Yes, sir. Would anyone else like to be heard on this? Yes, sir."

Councilmember Riegel was excused from the Chamber at 6:02 p.m.

2. Robert Ballard said, "Thank you, Mr. Mayor. Robert Ballard, Radcliffeborough, and we worked with the City on many a moon on these issues. I appreciate the efforts of this Council, and particularly our Chief has done a wonderful job on that summary. Our safety and livability concerns have been statistically tracked for nearly 20 years. There were some concerns that had not been documented, and your livability concern came to the forefront when the City attorney, Bill Regan, worked with us. That was better than two decades back, and the safety issues were most notable this year when the safety violations led to serious King Street injury and death. Our incident tracking is nothing new. The College of Charleston Department of Public Safety follows all student injuries on this Peninsula. Internet tracing shows most injuries and incidents happening on our same area included in the late night one year moratorium. The College of Charleston and City police statistics speak for themselves. The moratorium is fair to all parties, not unfair to anyone. A one-year study will allow businesses and neighborhoods to work with the City and the College to seek a solution fair to all parties. Citizen safety and livability needs to remain our number one concern. It is important that our King Street evaluation begin immediately. Both the Chief and the Mayor have given us a beautiful start-up, and I would suggest we follow that immediately. Please vote for our human safety and neighborhood livability tonight. Thank you."

Mayor Riley said, "Thank you very much. Yes, sir."

3. Harry Fendrich said, "Good evening. My name is Harry Fendrich. I live at 28 Warren Street. That is in Radcliffeborough. I am an officer of Radcliffeborough. I am also an officer of the Peninsula Consortium, which is the neighborhood associations on the Peninsula. The eight neighborhood associations attending the earlier meeting about a month ago all voted in favor and testified at the Planning Commission in favor of the more comprehensive moratorium, not the one limited to George Street. I believe that they would all be in agreement with this, but the eight that voted in favor of the moratorium are: Radcliffeborough, Cannonborough-Elliottborough, Mazyck-Wraggborough, Harleston Village, also around the area, Charlestowne, Ansonborough, French Quarter, and Dockside. On a personal note, I am not aware of anybody, and certainly not myself, we are not tee-totalers, and we're not prohibitionists. We all like to go out and have fun, but we live right there, and it has clearly tipped over. That is why we had such a strong vote. I am not aware of any neighborhood association in the Peninsula that is opposed to this moratorium. Thank you."

Mayor Riley said, "Thank you very much. Yes."

4. Jenny Bevan said, "My name is Jenny Bevan at 24 Bee Street. I am here on behalf of the Cannonborough-Elliottborough Neighborhood Association. We were able to take an informal vote when it was a 36-month moratorium. The majority were in favor. We are not a neighborhood that opposes business development. We are typically pro Mixed-Use, but this is something where we feel the concentration is too much. Thank you."

Mayor Riley said, "Thank you very much. Yes, sir."

5. Frank Rupp said, "Good evening. I'm Frank Rupp, President of Harleston Village Neighborhood Association. I live at 122 Rutledge. Our neighborhood strongly supported the

original three-year moratorium as proposed. That was not approved by the Planning Commission. We continue to support the Planning Commission's recommendation for a one year moratorium. We do not support the smaller geographic area with it stopping at George Street. That opens concerns to us, what will happen between George and Broad Streets, which is the majority of the area that Harleston Village has on King Street. I have not seen any studies or proposals where the residents of the Peninsula have said, 'we need more bars; we want more bars.' The input we get from the residents in Harleston Village, and as just heard from all the other neighborhoods in the Peninsula, is that the residents do not want more bars. What is being forgotten is the livability of downtown. Special interest groups appear to be the ones supporting more bars, more restaurants, but not the residents, so it needs to be controlled, and we appreciate what Chief Mullen has done and some of the Councilmembers that support what we are trying to do. Thank you."

Mayor Riley said, "Thank you, sir. Would anyone else like to be heard? Yes, sir."

6. Randall Goldman said, "Mayor, my name is Randall Goldman. I live at 15 Wraggborough Lane. It was not long ago that I heard our Mayor say 'in order to have a vibrant community, we need to have children on the streets.' That was the very reason when we were finally in a position to make that move, we moved downtown. I live and work within this district. I literally live one block from this proposed area. I am deeply committed to this industry, and I am very thankful for the success these neighborhoods and this City have offered myself. I am very concerned. I sit, and was offered to sit, on the Responsibility Hospitality Group that Chief Mullen has put together. I attend those meetings every single month. I am the Vice Chair of the Charleston Police Fund. I am deeply tied in with those who are protecting my interests and protecting where I live and appreciate all these efforts. I think it goes a long way to see where we are today, where we have really tightened down this zone, this area of focus. We started out at three years, and now we are down to one, and as we saw tonight, we have a very specific list of objectives that we are going to try and achieve with a timetable. So, now we are held liable for achieving those goals. All it is going to take is one incident, one incident to go national, and everything that we have been building, everything that we have been investing in, the reasons why I decided to move my son and my wife to this community, is all going to go, accolade after accolade, award after award. That is what we keep doing. We are so successful, but when I start hearing that there are liquor establishments that are now, and from what I understand, there are three that are very well-funded, looking at second floor operations. That is not my neighborhood. That is not what I want. I need to have a more equitable balance in business on my street in order for there to be long-standing prosperity for us all. So, Council, Mayor, I hope that you consider passing this. I am in support of this. Thank you so very much for your careful consideration. Lastly, Chief Mullen, thank you so much for protecting us and for protecting our investment. Thank you."

Mayor Riley said, "Would anyone else like to be heard? Yes, sir."

Councilmember Riegel returned to the Chamber at 6:11 p.m.

7. Steve Carroll said, "Hi, Mr. Riley. Hi, everyone. I'm Steve Carroll. I'm with the Charleston Restaurant Association, and I'm here. I represent 400 members, not counting their employees in this industry, and we love Mayor Riley, and we love Chief Mullen, and you guys do an awesome job."

Mayor Riley said, "Thank you very much."

There was laughter in the Chamber.

Mr. Carroll continued, "You're welcome, well-deserved, and Council. We presented some information to help with this, and we are in the hospitality industry. Safety comes first to us all the time, or we wouldn't be successful. This City wouldn't be successful. There are problems on King Street. There's no question. They are growing pains. You could be responsible for some of them for issuing all of those business licenses that don't have parking spaces down there on small streets, but if people are doing something wrong, you've got to make examples of the people who are because there are a bunch of good establishments, a bunch of good operators in this town. It is disheartening to think that the first moratorium in the history of Charleston will be against the hospitality industry. We feel like we give back all the time here. We feel like we do good things. If we spent half the effort in all these meetings already, we could have resolved probably 90 percent of these problems. If you want to know why so many people are in Charleston, it is an awesome place. I was born and raised here. In 2009, the most seniors in high school graduated in the history of the world. How old are they? At 22, 23 years old, they're in college. They're getting jobs. They're on King Street. The babyboomers, they've left the suburbs because their kids have graduated from college. They move to the cities where they can walk and dine, have cocktails, not have to move their car. Sorry, this is a little nerve-racking being the bad guy. I did not want to be that guy. I have been to every meeting and two public hearings. I've heard the public loud and clear. I hope you guys who are elected officials hear your constituents because it was very overwhelming at the (Charleston) Museum. I thought the people spoke loud and clear. The hospitality industry gives \$13 million plus to this City. It is two percent of your gross sales every year. If Chief Mullen needs some resources, please give them to him. We had a study done just to give some analysis and data, and the Visitor's Center in Charleston gets \$520,000 a year, and Chief Mullen gets \$170,000 out of that fund. Maybe you all should reconsider those disbursements. I think that is it. We are against the moratorium. It just seems extreme. We think there is a better way. I apologize for my attire. I have been setting up a little charity event that we do every year that we call the Taste of Charleston with 70 restaurants in it, so usually I'd have on a coat and suit for you. I apologize, but I needed my members to be heard. Thank you for your time."

Mayor Riley said, "Well, thank you. You look just fine. Would anyone else like to be heard? Yes, sir."

Mr. Goldman said, "Can I make one more comment?"

Mayor Riley said, "You may. Yes."

Mr. Goldman said, "Again, Randall Goldman, 15 Wraggborough Lane. At one point, I did regret not passing this along. The City has pulled together a reevaluation of our tourism plan, and that process is going on right now. One of those divisions, in conjunction with Historic Charleston Foundation, just brought in Gabe Klein, an expert DOT director for Chicago and Washington D.C. He had the meeting yesterday. A lot of the conversation that we are hearing from our residents and Chief Mullen is about the flow of traffic and transportation. This study that we have with the reevaluation of the study is taking place. We are hoping to bring before Council before the end of this year our recommendations. One of those committees is the Mobility and Transportation Committee, which deals directly with this. If this ordinance is allowed for one year, not only will you have the reassurance of this yet designated group of people so done by your folks, but you are also going to have the report from the tourism community, which addresses the large amount of people and how we can better move them through our City. So again, when making this decision, we just wanted you to be aware that



there is this other committee, Mobility and Transportation, that is addressing this and is going to be a key factor in the success of this ordinance. Thank you very much, Mayor.”

Mayor Riley said, “Thank you. Yes, sir.”

8.       Blan Hallman said, “Mayor Riley and members of Council, thanks for being here or letting me be here. I live on Percy Street in the Elliotborough Neighborhood, and I won’t repeat what my neighbors have told because I agree with them. I have, actually, a question as to the amendment that is before you, and I know it’s been shortened and that it’s been brought now above George Street. I think it’s also been narrowed to be only on King Street, and I’m a resident who lives only a couple of blocks off King Street.”

Mayor Riley said, “It’s the same width.”

Mr. Hallman said, “It’s the same width? It’s not only King Street?”

Mayor Riley said, “No.”

Mr. Hallman said, “Then, I support it as it is.”

There was laughter in the Chamber.

Mr. Hallman said, “I appreciate your time.”

Mayor Riley asked, “Anyone else? Well, thank you all so very much. This issue is now before City Council. The motion has been made and seconded. Is there any discussion?”

Councilmember White said, “Mr. Mayor.”

Mayor Riley recognized Councilmember White.

Councilmember White said, “I know a lot of work has gone into this, a significant amount by my colleagues on Council, yourself, staff, and others. First, let me thank Chief Mullen for providing some very specific data as to the issue, but as he was speaking, and it was great to have that data, having represented Ansonborough and French Quarter for seven years, I didn’t need that data to tell me that there was an issue because I hear from my constituents regularly. I will say that I agree that the moratorium being at 12 months makes sense, and I think that’s the right thing to do. However, I want to point out to my colleagues, by moving the boundaries, you basically have a direct impact on the two districts that I represent, and that’s French Quarter and Ansonborough. I’m not saying that there’s going to be this massive proliferation of businesses that go to open up after midnight in that area, but if anybody over the next 12 months wants to open a bar or restaurant open after 2:00 a.m., that’s the area they can go to, and that is going to cause concern for me. So, I would just say as a point of conversation, everything else I agree with. I’m not sure why the decision was made to move the boundaries, but I wouldn’t support moving the boundaries. Unless we were to amend this to go back to the original boundaries, I can’t support it.”

Councilmember Mitchell said, “Mayor.”

Mayor Riley recognized Councilmember Mitchell.

Councilmember Mitchell said, "What I'll do, if my colleague is slighted by that, I'll withdraw the amendment I made and then go back to the original motion I previously made in the City Council meeting, and let's start back from Broad Street."

Councilmember White said, "It goes to Broad, the original diagram."

Councilmember Gregorie said, "Second."

Mayor Riley said, "The motion is made and seconded to go back to the original boundary."

Councilmember Mitchell said, "The original boundary."

Mayor Riley said, "Is there any discussion on that?"

Councilmember Waring said, "Mayor Riley, could we hear from the Chief on that?"

Mayor Riley said, "Yes, I'm sure the Chief would not object, but the Chief can speak for himself, and I can discuss why this recommendation was made. Yes, sir. The Chief will give you his own opinion, and I'll give you mine, as well."

Chief Mullen said, "Put me on the spot, there. I understand the discussions that have taken place in the past few days to try to come to a compromise and move forward with this in a positive way. My personal opinion is that if we could include the Market area; that would certainly be a good move for us. I also understand that the Mayor has put himself out in terms of his discussions with the group and has made some commitments to them, but I certainly think that if we are going to consider this, that it would certainly be in my personal view, I'd love to be able to consider the Market, as well."

Mayor Riley said, "I might say, of course, the moratorium means that during this year, during the zone specified, there would be no permits granted. You could in the other if you met the criteria, but the study is going to be on the whole issue of late night alcohol serving establishments. So, whatever rules, regulations, and ordinances that are drafted for City Council's consideration will apply to the whole City or whatever district. I agree with Chief Mullen and really the comments. I was called by the Charleston Restaurant Association representative who said if you would agree to move it, and my goal is to get the moratorium and a study going, if you would move the district to George Street, the Restaurant Association would support it. Well, the Restaurant Association doesn't support it, as you heard from here tonight. So, that's a little awkward for me, but I think that during this brief period, and we do have rules and regulations, the likelihood of others opening in that area isn't great, but that's up for City Council's approval and consideration. I did not notice the order of hands. Does anybody know whose hand went up first?"

Mayor Riley recognized Councilmember Williams.

Councilmember Williams said, "Yes. I am not smart enough to think of all the things that have happened. I know I have spoken to so many people, and I asked the food and beverage industry to consider working with the City because we have to work together. It does not matter what we do, but whatever we decide, and I think that out of everything I saw tonight from the time Chief Mullen asked this question, and if you saw the report about the amount of bars and what it would cost to protect the City, I would never want the City of Charleston to have that kind

of police force out there. Whatever we do tonight, if we add Market, if we add Broad, let's give one voice to this. Let's be unanimous about giving the support to the Police Chief, the Mayor, and staff. We've got to send one voice out there. So, I am consistent with the issue of safety. I am consistent with the food and beverage industry to work, work with the City, work with us in this period, and citizens, but I warn you, if we are not consistent, we're not going to make this happen. Let's give unanimous support for this moratorium and whatever you want to add into it because to have the City look like that, with that amount of police, and to make arrests like that is not a livable City either. I think we have the solution because we have Chief Mullen. I am going to support it, but I really want my colleagues tonight to reach deep down and give this unanimous support."

Mayor Riley asked, "Who was up next? Was it Dean?"

The Clerk said, "Councilmember Riegel."

Councilmember Riegel said, "Thank you, Mr. Mayor. Well, I certainly understand Councilmember White's concerns over those two areas and, certainly, I highly respect Charleston Police Chief Greg Mullen. Having been part of the discussions, Mr. Mayor, with food and beverage with regards to moving the boundaries northward along King Street to George Street, I would say to you, and I think you would agree, that there was a consensus to support the moratorium on that basis. I'm not sure it's fair to walk the boundary back now after there was some agreement. Steve Carroll is certainly a good friend of mine, but I would think an awful lot of the food and beverage people, and I will say some of the higher end food and beverage people repeatedly stated that if we could move that boundary northward along King Street, that they would support the moratorium, and that they would be in favor of that. The only thing I can say to Gary (Councilmember White) and the Chief is that, should we see an issue or an increase of problems in your area, Councilmember White, then I think there is flexibility in the moratorium that we will adjust and modify that. I do have a little bit of concern about walking this boundary back, just my comment hasn't been a part of many of those discussions. Thank you, Mr. Mayor."

Mayor Riley said, "Who else wants to be heard on that?"

Councilmember Moody said, "Thank you, Mr. Mayor. This thing has got so many moving parts, and I'm just going to take the ones that I think are important to me. Number one, I haven't heard anybody talk about the fact that we don't want to protect the City of Charleston and its ratings and its standing in the world, and I think we're all trying to get to that point. The question is how do we do it? I have listened to the Mayor, and I have listened to the Chief, and I am going to support a moratorium. It's like everything else. This thing's been gyrating around, and we keep adding and subtracting, and I'm not even sure where I am sometimes. When I heard that the Restaurant Association was going to support this thing from George to Poplar Street, I said 'well, good,' because really to me it's about density in these areas. We are going to look at this area, and I think whatever we find out in this study, it's going to apply to the Market area. I think it will apply to West Ashley. I think it will apply to Daniel Island. It will apply to the whole City because I think we will learn some good information. One of the things that we were pushing for, and I was not in favor of the 36 months, but the one year seemed applicable or appropriate to me, particularly, if we were going to kind of condense and study this little bit smaller area. So, I think what I'm going to end up doing is maybe vote against this particular motion to expand it, although I'm disappointed that the Restaurant Association has reneged on their commitment. That is somewhat troubling, but the other thing that I'm thinking about as a business person here, if I were trying to open a bar, there are so many exceptions in this. If

you're in business now, if you've even tried to open a business, if you've started doing something, and it has to do with this late night, after midnight bar business, and if I were to start today, I don't believe I could get a bar open before this thing expired anyway. So, I don't really believe we're hurting that many people or that many businesses that may be thinking about whether they can come along here. I just think we need to give the Chief and the Mayor some time here to look at this process and look at this problem, and look at this density and let us come up with an answer that protects our City. So, thank you, Mr. Mayor."

Councilmember Seekings was excused at 6:27 p.m.

Mayor Riley said, "Yes, sir."

Mayor Riley recognized Councilmember Wagner.

The Clerk said, "Mayor."

Mayor Riley said, "Councilmember Wilson. Excuse me, then Councilmember Wagner."

Councilmember Wilson said, "Thank you, thank you, Mr. Mayor. When this first came about I supported the Mayor and the Police Chief, as did many of my colleagues, with a lot of misgivings, and this has gone into various permutations. We had an ordinance brought forth for 36 months for a moratorium, which I absolutely couldn't support. Then, it was peeled back to 12 months. Quite honestly, I'm not a big supporter of a moratorium, but I think if it were an up or down vote, I would lose that vote right now. I don't believe there is support on this Council to go with no moratorium. What I would say regarding what has been put on the floor, I would like to offer a few amendments, a few suggestions, and see where it goes. I think there has to be a good scope of study with this. There has to be things that we have all discussed, for example, the issue of soft closings, the issue of a regular meeting schedule between representatives of the Police Department and representatives of the food and beverage. Something like that has been attempted and has not been terribly successful, but I think it needs to be taken to a whole new level of seriousness. I think we ought to consider some sort of zoning category for perhaps establishments that have a 7A business license. There are a lot of different things out there that any proposed committee could look at, and if we could go back, I don't know whether it's possible to go back to the slide that showed the time table, if we could do that for just a moment. Right, as we can see, this moves along, until this time next year. I still remain of the opinion that given the importance of this, we could probably compress this a little bit. I would like to see the committee wrap up its work retroactive to May when we first passed this. We've been in a form of a moratorium already, and if the committee would wrap up its work by the 31<sup>st</sup> of May, 2015, it would give City Council several meetings in the summertime, in addition to what we might do throughout the rest of the calendar year to pass some of these ordinances or make adjustments as necessary. As you can see with Phase IV of the planning, we're essentially there right now. The action implementation phase, which is Phase V, is due to begin, well, I guess you could say mid-June, which is what it would be with our meeting schedule with the single meetings in June, July, and August. I would like to put that caveat in this and make a motion to amend that the committee must wrap-up its work by May 31, 2015, if indeed this ordinance as it's laid out before us passes this evening."

Councilmember Seekings returned to the Chamber at 6:28 p.m.

Mayor Riley asked, "Who was next?"

The Clerk said, "Councilmember Wagner."

Mayor Riley recognized Councilmember Wagner.

Councilmember Wagner said, "I just did the math in my little head. The May 31<sup>st</sup> that Councilmember Wilson just mentioned is a year from May 27<sup>th</sup> when this first came to us. That makes sense to me. It's still a year, but it's from the original date. That's the first thought. The second thought, I'm a little confused with the association, as you were, at this moment. They put together a phenomenal package through Elliott Smith. It has a lot of questions that, to me, will be answered if we go forth with our committee. So, from that angle, I'm saying, you know, we ought to do this. On the flip side, now we seem to have a disconnect with the Restaurant Association, upon which this was predicated. So, now I've got figure out real quick, maybe we can get one of them back to tell us, but on the flip side, we have on Chief Mullen's slide, 35 Upper Peninsula places, 22 down in Councilmember White's area. If we leave Councilmember White open, then we're going to have 35 to 35, which I see his point completely. Then, he's going to be beat about the head and shoulders. So, I'm not positive we're ready to vote. I'm not dead positive that we are. Maybe one of these guys can come back up with something else, but I'm leaving more confused than when I came in. It looks like a good idea."

Mayor Riley announced the order of speakers as Councilmember Mitchell followed by Councilmembers Riegel and Waring.

Councilmember Mitchell said, "My colleague, Councilmember James Lewis, is not here with me tonight, but we are here on this Peninsula. Councilmember Lewis and I are always out in that community. As you know, he walks up and down that street, and he'll call me, and we'll walk up and down the street. We're out there in the nighttime to see what's going on. We live in the City. I live right on King Street. He lives on Sumter Street. We are on the Peninsula where these things are happening, and we see it every night and see the problem that is occurring in the Peninsula City. Something needs to be done. Constituents are calling us at 1:00 or 2:00 in the morning. A lot of the Councilmembers here are not getting those calls because they're not here on the Peninsula. So, something has to be done, and it has to done now. When they came back with the three year moratorium, I was going to vote for that because I live there, and I see what's happening. All these things are happening mostly in the district I represent, and with all respect due to my colleagues, you do not hear the calls that I get. You are not out there at 2:00 or 3:00 in the morning like me. I'm out there with Councilmember Lewis. We're out there at 2:00 or 3:00 in the morning, out in those streets, out on the East Side, out on King Street in Radcliffeborough, Elliotborough-Cannonborough. We're out there because he rides with me and I ride with him. When he rides with me, we go into each other's district because I do all the driving, but we are out there, and we're seeing what's happening, and something has to be done. As for the quality of life for the individuals that live on the Peninsula, something needs to be done about that, too. I'm not going to stop businesses. I love the businesses coming in. We need the revenue. I love it, but we all have to work together on this Peninsula to make sure that we are all getting what we need to have. The community is there. We need to have a quality of life. The businesses are there, but they have to work with the community. It's not all about economics. I know they love that, too, but they still have to work with the community because people are going to work in the morning. They can't get any sleep. They can't get this. When they're finished from the party over there, then they have a second party in the community, kicking over the garbage cans, kicking on the doors. All of these senior citizens are calling me at night. They are afraid to come out of their homes because of what is happening. You all do not see it, and you all do not hear it. You will hear it on the other side, but you don't hear what's happening with these people that are living in

this community. I need you to come down and sit with me sometimes on my porch at 2:00 or 3:00 in the morning, or ride with me to be out there, with no sleep, things like that. Then, you'll understand what I'm saying because I'm out there all the time. I'm not saying I want to be out there, but I was elected to serve, so I'm out there. So, we are sitting around talking about what's going to happen with food and beverage. They're going to make money. They're not losing any money. They're going to make money regardless, but we as a Council sitting here, we are getting calls from our constituents, we're having problems, and it's our job to make these hard decisions. I'm going to make a decision. I'm going to make a decision one way or another. It doesn't matter what people are going to say, but I'm going to make the decision that is better for everyone. Sooner or later, if we get this committee going, it might not take a year, but I'm going to vote for a year. They might condense it, if they work hard enough, but that's what I'm going to vote for. We have to get something done and stop this talking and talking about it all night long. We know how we're going to vote anyway. Let's do it and get it over with and let's move on."

There was laughter in the Chamber.

Mayor Riley announced the order of speakers as Councilmember Riegel followed by Councilmembers Waring and White.

Councilmember Riegel said "Thank you, Mr. Mayor. Councilmember Mitchell, before I make a few comments, I absolutely support you. I admire you and James for being out there. My concerns are, in a sense, that something needs to be done. The concern is how we go about it. I think it's important we work with food and beverage, law enforcement, local Councilmen, and community. Since the May 27, 2014 City Council meeting when a 12-1 vote prevailed, and of course, myself being the lone nay vote, I was happy to see, and I thought we had moved along in bringing some resolution to this matter, to the discussions, to the endless dialogue that Councilmember Mitchell was talking about. It sounds like maybe we haven't. At that time I felt, and I still do today, and I'm still adamant that food and beverage deserves to be part of the process and the communication. Many years ago, we asked food and beverage to invest in the Upper King Street district to provide retail, food and beverage to make it a vibrant area. Maybe they've been victims of their own success. As I write my editorials, I wonder if this issue is one of public safety, as Chief Mullen states. Is this one of planning and diversity, as Tim Keane states? Are they contradictory? In my heart, I believe absolutely not. They go hand in glove. They work together. I've made recommendations in regards to soft closings. Let the lounges stay open another thirty minutes; discounted or free parking in downtown garages to get those vehicles out of the neighborhoods, out of people's lives, out of people's dreams, if you will, and several other things. Having met privately with the administration some weeks after this 12-1 vote, we felt it was important to try and reach out to the food and beverage community, and I'm pleased to say to Mayor Riley, to Tim Keane, that the first effort was that night at the Museum, and I was there. I frankly think, Mayor, you were enjoying the evening. I looked at you, and you had a smile on your face, and you were enjoying it. Tim, I think you wanted to be any place but there in the Museum that night as we discussed. The back door was locked, but Mr. Mayor, you enjoyed interacting and interfacing with the community, so I do appreciate that.

We have had additional input from the food and beverage citizens and businesses. I thought that we were moving forward with the boundary and moving that northward along King Street. Something has obviously transpired, Mr. Mayor, in the last day that has changed. I think the committee that we are going to appoint to look at this is important. I made the very first appointee, Bill Hall, Sr., and I submitted that to the Mayor the same day that I received your letter. Bill has an extensive history and expertise in industry. He's recognized as a national

leader in food and beverage. He's had experience with the moratorium. So, I think with leaders like Bill Hall, Sr., whom as a matter of fact I also nominated to be an interim chairman because we do need some leadership in the early, early meetings until they maybe provide their own, I feel we are in a good place. I thought we were in a good place. I still feel we are in a good place. I was going to support the revised ordinance that Frances e-mailed me earlier today. As I sit here now, I'm not sure that that's the case, but I still continue to listen, and I still will continue to support whatever this esteemed body does, but I think sometimes we negotiate and do things, and we need to stay a little bit to the path that we've committed to, but I certainly will continue to support this body and this great City. Thank you, Mr. Mayor."

Mayor Riley said, "Thank you very much, Councilmember Riegel."

Mayor Riley recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I want to thank everybody who's had input on this process. Certainly, I want to thank the Chief, who's done an excellent job bringing facts, and this is no slight, but wonderful objectives and tipping points. Well, facts were brought tonight. Mr. Mayor, I thank you for this process because what we voted on in May, no one was satisfied with that in the aftermath, and I'm talking in a collective way here. We have done some great things from May to now. We have condensed an enormous conversation down to specifics."

Mayor Riley said, "That's right."

Councilmember Waring continued, "As far as my respected colleague, Councilmember Riegel, you said in the end, and you're right, members of the restaurant and food and beverage industry will be part of this committee. You're going to appoint somebody, and of course I'm going to appoint somebody from the food and beverage industry, and I don't think we'll be alone in that. So, we're going to have balanced representation there. There have been some great ideas in the sidebar conversations that have come up, and it is all in an effort to try and make our City better, not worse, but better. The soft closing, the first person I heard say that was Kathleen. The Chief made mention of the issue of having these places close at 2:00 a.m., and a lot of patrons come out on the sidewalks simultaneously. There's the possibility of our police force being overwhelmed if the wrong situation were to erupt. That resonated with me. Her idea of soft closings certainly resonated with me in sidebar conversations. Parking variances, now, we're talking about facts; we're not talking about the innuendo or the hyperbole of the matter. I mean, we're not in Washington, and we're not in Columbia. Things get done in cities. You can kick the can down the road and pass things along in Washington, and you can do it for years. At the City government level, certainly County government level, you see your constituents when you go to church and when you got the grocery store. When we go to the restroom here tonight, we're going to run into some of our constituents. That doesn't happen in Washington. In cities, we have to perform. The idea about parking variances for the restaurants on the side streets, and bars that have been able to acquire them because of getting leases on parking spaces to get approval. I'm putting all of this in the minutes, so when the committee hopefully is formed, they will have these bullet points as a starting point and will not have to start with a blank sheet of paper."

Mayor Riley said, "Exactly."

Councilmember Waring said, "They get the approval, and they release the lease. They don't keep up with the lease, and the neighborhood has developed a parking problem. Well, I

know don't know whether a zoning issue takes care of that. Whether that's a zoning issue or something that's going to be applied to a business license issue. We have to have a way to penalize that in the event a restaurant or bar does that, commits to the lease, so the patrons cannot park on neighborhood streets, get the business license, start operations, and guess what, say I'm not paying that lease anymore. We have to have a mechanism to yank that business license back or that approval that was given behind. So, it's not just a zoning issue. It is maybe a zoning, business license issue. Another good idea that Councilmember Wilson just said, but just again, to put it as a bullet point in the minutes, was something that Councilmember Alexander said in another sidebar conversation. He said that maybe we come up with a different class of zoning for bars and restaurants. One of the things that's happening in our neighborhoods right now is some of the older businesses, gas stations, old grocery stores that have the designation as being General Business, also have a designation being grandfathered for a bar to be open until 2:00 in the morning, even though it could be in the bosom, if you will, of our neighborhood. Those businesses from inception used to open up when they were active. In large part, the proprietor in some cases lived above or behind the property. They certainly did not operate that business until 2:00 in the morning. Well, if I'm a smart business man today, I go get that location. I'm grandfathered for 2:00 A.M., and guess what, there's nothing we can do about that as a City government. If we had separate zoning for maybe bars; we have a separate zoning for a residential care facility, so why don't we have a separate zoning category for these various bars, in particular when they encroach on neighborhood streets?"

Councilmember Riegel was excused from the Chamber at 6:46 p.m.

Councilmember Waring continued, "That's something that this committee can do the vetting on. So, if we start focusing on solutions, we'll see that we are very close to having a solution here. We've got the smart minds around the table. There are going to be intelligent people on this committee. It's not going to be people who are 'out to lunch' or who have ulterior motives. If you have an ulterior motive, my appointment certainly wouldn't get on that committee. Councilmember Lewis, our most senior member of Council, and I don't know, between Councilmember Wilson and Councilmember Mitchell, through their experiences on Council, I actually walked twice from Society Street from 12:15 a.m. at night to Mary Street and back at 1:45 a.m. If you have served as a member of the Chamber of Commerce, and if you have had the ability to serve as chair the Chamber of Commerce, just think of it from a business perspective. Believe it or not, you can have blinders on. If I did that, I probably would have not supported this moratorium. If you walk the streets, our streets, that time of night, you will realize quickly that something needs to be done. Something needs to be done. We cannot continue, we do have success, but the negatives out there when you have a police chief with our abilities to come and ask for help, and he's asked for help on an innumerable amount of occasions. Additional police officers, we've done that. The body cameras, we've done that. We can go on and on, but it's all an effort to making us better and being proactive, and in this case, being preventative.

So, when we take, and when I say 'we,' I'm talking to the Mayor, as well as our members and I'm so pleased to serve with on this Council. We have had some good sidebar conversations. If we put those bullet points into facts and into actions, we're going to come back with solutions prior to this 12 month period being out. I do hesitate, Councilmember White, as we have an ability to respect one another's districts. When we have a problem in one of our districts, sometimes we definitely give the benefit of the doubt, and I'm going to support a moratorium, but I certainly want to give deference to what you said about your district because I'm pleased to serve West Ashley. Right now, that Overlay District does not include anything in West Ashley, but I'm very concerned about the solutions that will apply citywide because those



solutions that come out of this committee, hopefully backed to our Council, will be helpful to the entire City of Charleston. So, if I could, I would support yours. If it doesn't pass, I'll support what this is, but I am going to support a moratorium because something needs to be done. Thank you, Mr. Mayor."

Mayor Riley said, "Thank you very much."

Mayor Riley recognized Councilmember White.

Councilmember White said, "I appreciate everyone's comments, and I did want to just quickly address one thing that I heard Councilmember Moody say, and I think you're right. It's improbable for businesses to open within a 12 month period of time. So, again, do I think that it is going to be this rush to the market? No, I don't think they'll have the doors open, but I do think it opens the door, and the last statement of the ordinance that's currently in front of us, is a Grandfather Clause. We put it in every single one we do, and so, I guarantee you, whatever comes forward to this Council into the future, I promise you is going to have a Grandfather Clause in there, and that's the issue I'm dealing with. If we're going to address it, I want to address it holistically, and I will point out that although there are issues on King Street today that have kind of gotten us here, my constituents in the French Quarter and Ansonborough have dealt with it a lot longer, a lot longer because it's been on Market Street and East Bay for a significant period of time. So, it would be unfair in my opinion not to include them in the moratorium area to ensure that we don't have any potential proliferation. So, that was my point."

Councilmember Riegel returned to the Chamber at 6:51 p.m.

Mayor Riley recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I'll be brief. We've been here a long time talking about this. I think it's clear we're going to pass something, a moratorium. I want to lend a voice of support to Councilmember White. I agree with him that his area, his district, was really the original place where we looked at this. We need to make sure it gets included in this study. My district actually happens to be the area that goes between Gary's (Councilmember White's) district and the Upper King Street district, and we've heard from our constituents. Councilmember Waring said he's going to run into constituents tonight. A lot of us have them here tonight, and they've spoken loudly from the neighborhoods. They want us to take a look at this. It's the responsible thing to do. We have to push the pause button. I hate the word 'moratorium.' It's a pause button. That's what we're doing, and we're going to look and see what we've got on the Peninsula, and we'll make it right for everybody. That's our job. That's our responsibility, and everybody's got to include Councilmember White's corner of this. So, I lend my voice of support to Councilmember White and will support an amendment if he brings it. I think Councilmember Wilson is right, too. We're three months into a moratorium. When we gave this first reading, nothing's happened, so I think May 31<sup>st</sup> is the right date."

Mayor Riley said, "May 31<sup>st</sup> is what?"

Councilmember Seekings said, "Is the right date to put in this ordinance, and I think that Councilmember Wilson has talked about this. That's flexible, and the last thing you've heard a lot about, and this will go to a committee, I think some of us have already appointed members to the committee, is this whole idea of a soft closing. I love that term, and I think it's a term you're going to hear a lot more about, and that is going to be how we deal with the people who are in

these concentrated areas for a concentrated period of time, getting them from where they are to where they are going in a safe and responsible way. When they all pour out at the exact same time, we can't do that. We can't. You cannot do it. Councilmember Waring issued the challenge, as others have, go and watch closing time. Just go watch it. Just stand there, sit, and watch it. It's an education in what's happening our City today that you don't see at any other minute, not just hour, minute of the day. So, as this committee and Council deliberates going forward, and we have this pause button, let's make sure we get it right. This is our opportunity, one opportunity. So, I support Councilmember White, not, however, to the exclusion of passing a moratorium tonight, but I think he needs to be included in there, and if there is motion, I'll support that. Our constituents have spoken. They want this, so let's give it to them, and let's do our job and get it to them right."

Mayor Riley said, "Thank you."

Mayor Riley recognized Councilmember Gregorie.

Councilmember Gregorie said, "Mayor Riley, as you probably know, back in 1862, the City had a martial law closing all bars."

Mayor Riley said, "That was before my time."

There was laughter in the Chamber.

Councilmember Gregorie said, "But you're a historian, and I think it was Colonel Hagood that had the responsibility of implementing that martial law. So, the issues that we're discussing today are really not new to the City; however, I think it's very important that we protect the brand at all costs. I do think that with the moratorium, and the study that will result from it, which will capture all the issues that all of the Councilmembers have put as a part of the record, will in fact get us where I think we need to be, and that is to make sure that we protect the livability, manage growth, and preservation. I support the moratorium, but I also support the sensitivity that Councilmember White brings to this discussion. He has a responsibility on the Peninsula, and as a result, I think we should honor recommendations accordingly. We've heard from the food and beverage industry. We've heard from them, and we've made adjustments as a result of discussions that you've had with them, but what I heard from them tonight is inconsistent with that agreement. Therefore, I think that we should move forward full-speed to pass this moratorium, but include the sensitivity of folks who represent this Peninsula and the Peninsula neighborhoods."

Mayor Riley recognized Councilmember Alexander.

Councilmember Alexander said, "Thank you, Mr. Mayor. When I first came on Council, I said it's the debate. It's communications, community within Council, and I won't belabor things. Just a couple of observations, what disturbs me is the condemnation of an entire industry, and that's what I think we're seeing right now. I remember, and it's appropriate (this is Hugo week) the destruction in this City. I remember the Base closings. What saved this City? What put us on the map? What is the brand now? Is the brand history? Is the brand food and beverage? What is bringing people to this City? What has this industry done for this City? Right now, they're running a charity event for this City. That's what these folks are doing. I listened to Chief Mullen, and this is what I heard: 'bars breed crime; more bars breed more crime.' Does this not apply citywide, not simply to this one area. I've listened to Councilmember Waring. He's very wise. He obviously has inherited his father's ability to grasp a situation, to debate,

and to bring some calm to it. Before I forget, 810-2853. That's my phone number. I just wanted to cut out the middle man, so the Mayor doesn't have to tell people to call Councilmember Alexander if this goes afoul.

Folks, honestly, I think this thing has gotten very convoluted. I think we've handled it very badly from the beginning. I'm not real happy with the ordinance that has transpired. I know there's a lot of conversation about food and beverage backing up. I think what occurred, there were two members that represented food and beverage, but the Board did not vote to support what was presented to the Mayor. Two members wanting to do something for the City came forward and said 'this is what we suggest.' They didn't get their support for it. I look at this ordinance right now, and essentially it's what we had in the beginning. We'll have two levels of business, those that can be open until 12:00 a.m., and you'll still have those open until 2:00 a.m. It's right there in the section. The other thing that causes me considerable heartburn, and always has with any law or ordinance that we passed, is exemptions. I have always argued if there is an exemption in the law, it's a bad law. Equal application of the law, why aren't we looking at that? Why are the large developers, hotels, in particular, exempt, and the burden is borne by the small businessman who is scraping every day for every penny down there, that are operating on margins of less than five percent? Why is big business exempt? Why are we not treating everybody exactly fair? I can't vote for this ordinance simply because of that one section. We are not treating every business fair in this City, businesses that have brought this City back. I agree that there needs to be a committee. I agree that we need to look at all of the issues we have in this City. I don't think that we have to stop business to do it.

As Councilmember Waring has pointed out, there are sidebar conversations right now that are saying 'these are things that we can look at.' Why do we have to stop business to do that? That's part of what's tumbling around in my mind. We can do these things. We can do these things in two weeks. We have a Legal Department that is unbelievably wonderful. You tell them what you want and they'll put it together. It just disturbs me how convoluted this thing has become. We're leaving out parts of the City, whether it's Councilmember White's area or whether it's the rest of the City, the suburbs. One year is a lot of bars and restaurants that could shift off of the Peninsula to somewhere else, but then again we're fortunate over there because tourists don't go to West Ashley and James Island. So, maybe it won't be too bad. Folks, think about what we're doing. I can't support it, and I've told the Mayor that. I've been honest and upfront with him, and I appreciate the hard work that everyone's done. I truly do. I go back to the crime statistics. If we follow that, 'bars make crime' or 'more bars make more crime,' then I wonder about the hundreds of thousands of dollars we're investing in the CVB to bring people to the City. So, we had 1700 incidents. How many of those were misdemeanors? How many were violent crimes, and out of 5,000,000 visitors? In business, I used to be in the hospital industry, you'd look at stats, and you'd crunch the numbers, and you'd look at incidents. If you'd look at the number of incidents versus the millions of people that are here, it is significant in one respect; in another, is that what you could expect. Mr. Goldman said it takes one incident. Well, that one incident could happen tomorrow, whether we do anything or not. It could happen tomorrow, some crazed person walks down King Street and does what he feels like he needs to do that evening. The entire country right now is concerned about the Middle East and the terrorists. Where are they? One truck from ISIS on the corner of John Street, that could happen. I could get hit by a bus when I leave here. It concerns me that we're jumping into something, and I believe that, yes, we can study. Let's study it, but I don't believe we need a moratorium to do what we need to do. I think we can do a lot of things very quickly based on some of the things that we've already discussed this evening. Thank you, Mr. Mayor."

Councilmember Williams said, "What's on the table?"

Mayor Riley said, "Sir? Pardon, I'm sorry."

Councilmember Gregorie said, "What's on the table?"

The Clerk said, "The last thing we had on the table was, Councilmember Mitchell's motion to withdraw the amendment, and it was seconded by Councilmember Gregorie, which was the request of Councilmember White, that that amendment be withdrawn."

Mayor Riley said, "That is the amendment to reduce the size of the district."

The Clerk said, "Yes."

Mayor Riley asked, "Is that right?"

The Clerk said, "Yes."

Councilmember Williams said, "Expand it back."

Councilmember Gregorie said, "To take it back to where it was."

The Clerk said, "He's withdrawing the amendment which was identifying the size to go back to the original."

Councilmember Gregorie said, "Yes."

Mayor Riley said, "So, that's before us now."

The Clerk said, "That's what's on the floor now, but you made a recommendation (to Councilmember Wilson), but it's not a motion yet."

Councilmember Wilson said, "I'll make a motion."

Mayor Riley said, "Those in favor of Councilmember's Mitchell motion to amend the ordinance so as to bring the district back to the size that it is in the first proposed ordinance, which is Market Street and King Street all the way up. Is there any further discussion on that?"

No one else asked to be heard.

Mayor Riley said, "Those in favor, signify by raising your right hand."

The Clerk said, "I think I have the nays. The nays would be Councilmembers Alexander, Riegel, and, are you abstaining?"

Councilmember Wilson said, "I'm a nay."

The Clerk said, "Councilmembers Alexander, Riegel, and Wilson are nays."

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, City Council voted to amend item E-3 to include the proposed boundaries of the first Late Night Bar

Moratorium Area map. The vote was not unanimous. Councilmembers Alexander, Riegel, and Wilson voted nay.

Mayor Riley said, "Then what we have before us is the ordinance for a one year moratorium for the original size, and if I could just make a few comments. First of all, just for anyone, I was at an event last night, and a young man said, 'please don't close the bars.' We're not closing any bars. We're not closing any bars, and we're not making any bars close any sooner than they are closing now. It's not affecting any particular business in operation, and we're not condemning an industry at all. I would respectfully say that what brings people to Charleston from around the world is not that it's a good place to get intoxicated. With all due respect, what brings people to Charleston is it's a world-class City. It's a very special, unusual world-class City with so many components, the beautiful buildings and a lively and diverse street. The two kind of last points, on the timeline, I most strongly urge that we stick with the one year and the study concluding in time to recommend to City Council next September. The action and implementation phase is when the draft plan and any ordinances completed by the steering team will go through legal review, the committee process, final review, come to the committee again, and then come to City Council, and so this is the wrapping up and getting things drafted. Just as Councilmember Wilson mentioned, the soft closings and other issues like that, let's bring people in to explain what that is and what the implications are and then ask Chief Mullen to study the implications, the traffic implications or crowd handling. The matter of zoning for parking is a complicated issue, how that is changed, and what is or what isn't grandfathered in. I think for the committee to get all of its work done by this schedule would be daunting. But, if we believe this is important, then to artificially rush it, I think would be a mistake, and this is the end of the September. Let's say everybody gets their names to me first thing tomorrow, and I look at who's missing, and find people willing to serve. To have the first meeting by the end of October would be the best case, everybody's got schedules, can you come, what time of day suits everybody, and all like that. So, the first meeting is at the end of October. Then, people give their thoughts about it, and you start maybe breaking down into committees. Then, you start the process of getting input, and before you know it, you've got Christmas. We all know about that. You try to schedule something in December or the first of the year, and it doesn't happen. So, if we really want to do a great job, if we think this is important, and it is, then for goodness sake, let's give the committee of hard-working people time to do it. As for the ordinance, you can tell our legal team something if you want, but this will be something to be bring back to the committee. 'Is this exactly what you had in mind? Well, it really it isn't, can you take another crack at this?' or something like that. So, I think we really need the full and complete time.

Then, just lastly, back on the seriousness of all of this and the concentration which we've talked about and Jane Jacobs obviously recognized it back half a century ago. This is disorderly conduct and assault (referring to the electronic presentation), and this is in this district that we just enlarged; disorderly conduct and assault; that's not a parking ticket. If in 2011, you had 280 and last year 413 with 25% more of the year to go, the good accountants in here, Councilmembers Moody and Wagner, would bring that probably into the 550 range. So, if you go from 280 in 2011 to 550 in this district surrounded by residential neighborhoods that people are coming to enjoy, from 280 to 550, that's almost doubling in a three year period. You see in Chief Mullen's face the felt urgency and concern. This isn't an abstract thing. It's essential to the quality of life and the maintenance of this great City. Chief Mullen had a presentation which showed you headlines in other papers, front page headlines of incidents in certain areas in the town, and the harm it eventually did. So, I would urge City Council to approve the moratorium, and with the understanding the committee has until September to give us a full report. They'll give us interim reports every six weeks, and we may well develop ordinances well before that,

but let's make sure that we have the full and complete time to give this important issue the consideration that it deserves."

Mayor Riley recognized Councilmember Alexander.

Councilmember Alexander said, "Thank you, Mr. Mayor. If the Clerk could go back in the record and find where somebody invited the world to come to the City and get intoxicated, I'd love to hear that because I don't believe that was said. Let's get the record straight here. The other thing that occurred to me as you were speaking, you were citing crime records, and maybe I didn't make my point. We've invested millions of dollars bringing people to the City of Charleston. This year alone we expect 200,000 more. Is not some of that the growth that we are purchasing through marketing efforts? That's the only question I've got. I mean is it simply due to the growth of bars, or are there are other factors that have driven this?"

Mayor Riley said, "I think it's the reputation that this is a world-class City. I don't think it's the reputation of a chance to get intoxicated, with all due respect, in concentrated areas. Is there any further discussion?"

No one else asked to be heard.

Mayor Riley said, "So, the question before us is the amended ordinance, which is a one year moratorium with a committee to be appointed. They report back in September. Is there any further discussion?"

Mayor Riley recognized Councilmember Wilson.

Councilmember Wilson said, "I would like to make a motion that the committee finishes its work by May 31<sup>st</sup>."

Mayor Riley said, "The motion is to finish it by May 31<sup>st</sup>. Is there a second?"

Councilmember Wagner seconded the motion.

Councilmember Waring asked, "When is that committee, according to your time schedule, supposed to report back?"

Mayor Riley asked, "When is it supposed to report back?"

Councilmember Waring said, "I meant I thought you had a time indicated on the schedule."

Mayor Riley said, "I'm very sorry."

Councilmember Waring said, "It doesn't seem like a whole lot of difference."

Mayor Riley said, "Excuse me. I know this makes you dizzy and nerve-racking and all of that. That is September (referring to the electronic presentation). That shows them reporting back to City Council in September. The last phase, as I mentioned, according to this, is the actual implementation, which is 60 to 75 day period, which would be this, that would be drafting a plan, any ordinances completed by the steering committee, go through legal review, and the committee process that they have, so that it's something they have to present to City Council."

Councilmember Waring said, "So, the Phase IV planning, what's condensed in that? I'm wondering if we're talking the same thing here."

Mayor Riley said, "That would be, it looks like the middle of June, and that's the purpose of this step: to create an action plan for the future, and then, direct the legal staff to begin updating, revising, combining, writing new ordinances, etcetera, to bring back to the committee. So, the work isn't finished until September, and I just don't know why we want to rush something this important. Yes, sir."

Councilmember Moody said, "Can we just agree that on September 22, 2015, the moratorium is over?"

Mayor Riley said, "That's it."

Councilmember Moody said, "I don't get when you bring it back. Whether we vote on it or not, it's over September 22, 2015."

Mayor Riley said, "It's not dependent on the committee. It's over. So, the committee's responsibility is to get it back quick as possible. We might get it back in pieces, but I would hate to have an impaneled group and say 'okay, all you hard working people, if you all don't finish by a certain date, you're out of business.'"

Councilmember Moody said, "I'm not putting any deadlines on this other than September 22, 2015, this moratorium is dead."

Mayor Riley said, "That's it."

Councilmember Moody said, "It's expired."

Mayor Riley recognized Councilmember Wilson.

Councilmember Wilson said, "Pardon me, it's just my reasoning is I feel so strongly about keeping this on tract, making this move forward, not rushing. I think this City has matured to the point where we can multi-task, and we should be able to multi-task with the other major issues that the City is facing, not simply this particular issue, but I just feel this committee needs to meet, they need to do their work very concisely. There are a lot of pieces that we can take. I would like to say we'll be busy next winter examining ordinances and materials that come out of this committee on the six week updates, but I just feel strongly about making sure that the committee moves forward and establishing that. We finish May 31<sup>st</sup>, we go to those monthly meetings in the summer time. We have June, July, and August to pass ordinances and potentially wrap this up. By having the moratorium expire on September 22<sup>nd</sup>, we have in fact created about a 15 month moratorium."

Mayor Riley said, "The committee will be aware of the expiration of the moratorium. I think we want to give the committee time to do their work, and I'm confident that, with 21 busy people and all that is going to be before them, to ask them to get it ready before then is just not fair."

Mayor Riley recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. If I could impose on Tim Keane, I'm looking at him and making some eye contact. May I have your reaction, Mr. Keane, to the shortened moratoriums and timelines. You already have a department that does a marvelous job, and one of their primary goals is West Ashley economic development, Citadel Mall, etcetera."

Mr. Keane said, "My strong recommendation would be that the moratorium ends on September 22, 2015."

Mayor Riley asked, "Is there any further discussion?"

No else asked to be heard.

Mayor Riley said, "We are voting on the amendment to do what?"

The Clerk said, "To have this brought back by May 31, 2015. Is that your motion?"

Councilmember Wilson said, "That's my motion."

Mayor Riley said, "And that's been seconded?"

The Clerk said, "Yes, by Councilmember Wagner."

Mayor Riley said, "According to this schedule, that would be before even the planning phase has finished."

On a motion of Councilmember Wilson, seconded by Councilmember Wagner, City Council voted to amend item E-3 to shorten the moratorium from September 22, 2015 to May 31, 2015. The vote was not unanimous. The motion failed. Councilmembers Wagner, Seekings, and Wilson voted in favor of the amendment.

Mayor Riley said, "The nays have it. The question then is the ordinance."

The Clerk said, "First reading."

Mayor Riley said, "To give it first reading. Is there any discussion?"

No one asked to be heard.

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, City Council voted to give first reading to the following ordinance:

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9 thereof a new part 6 providing for a Temporary Moratorium until September 22, 2015 on the processing of development applications and issuing of permits for new businesses that intend to allow on-premise consumption of beer, wine or alcohol between the hours of midnight and 6 a.m. and are located within the shaded area on the map entitled "Late Night Bar Moratorium area", attached. (AS AMENDED)*



The vote was not unanimous. Councilmembers Alexander, Riegel, and Wilson voted nay.

Mayor Riley said, "Now, any person wishing to leave is now free to leave if they want, but we've got really interesting things left. If you want to stay, you can, but you don't have to. Please leave quietly."

Councilmember Gregorie said, "Can we have a five minute recess?"

Mayor Riley said, "Five minutes recess."

City Council recessed at 7.21 p.m.

City Council reconvened at 7:28 p.m.

Mayor Riley said, "The next thing we have is the ordinance to amend the Code for the Tech Corridor Overlay."

Councilmember White said, "So moved."

Councilmember Alexander said, "Public hearing. We lack a quorum."

Mayor Riley said, "Let me say, I'm not going to do anything. I wouldn't do anything serious until we get everybody back here."

Councilmember Alexander said, "I think we have a quorum now."

Councilmember Gregorie said, "We have a quorum now, Mayor."

Mayor Riley said, "Tim can start presenting. My colleagues who just came back from recession, we are on item E-4, Mr. Keane."

Mr. Keane said, "This relates to a new Overlay District we created recently on Morrison Drive at Conroy Street. This Overlay was applied to property owned by the City and the County on either side of Conroy Street. It's a total of 10 acres. This is an amendment to the Overlay District to permit the height only within the Overlay District to be 85 feet. This is an Overlay District that requires that the predominant use on these properties be offices for technology companies, and of course, among the other buildings envisioned for this property is the City's next business incubator Flagship location on the northwest corner of Conroy and Morrison. So, just to repeat, this applies only to this Tech Overlay District, these 10 acres at Conroy and Morrison Drive, and it allows the height to 85 feet. This did go the Planning Commission, they recommended it, and we hope you'll approve it tonight."

Mayor Riley asked, "Would any citizen like to be heard? Yes, sir."

1. Anthony Bryant said, "Sorry to be dressed so informally. Anthony G. Bryant, President of Bryant Group, Inc., 20573, Charleston, South Carolina, 29413. You can catch me on Twitter @AnthonyGBryant1, or Bryantgroup.inc at Google Plus, so we can remain flat. It is very important to me for the community because I just did the FCC Open Internet. Also, I did NG911, one of the only people in the country to work on that national, public comment, and I'm deeply concerned about also the height restrictions before you complete the flooding situation

downtown. I made public comment to the South Carolina Insurance Commission at the Citadel in 2013, and I received back the transcript from Ray Farmer. I don't think you should do any height restrictions until you deal with the issues of flooding in the City. There's no reason to move forward with this height restriction at all, period. Secondly, we had a minority business incubator that's been transferred over for private use after the Cooper River Bridge Mitigation. That needs to be dealt with seriously, and to make sure we have real diversity in this area, in this district, and hope that Ernest Andrade reaches out heavily in the community to ensure that we have serious diversity on this particular piece. This is the flat world. It's where our young people are going to really thrive and be successful, more so than my generation, and the deindustrialization inside the City of Charleston. So, I lived in deindustrialized Charleston, not the flat Charleston. I want to make sure that our young people get every opportunity in this corridor. Thank you for your service."

Councilmember Seekings returned to the Chamber at 7:33 p.m.

Mayor Riley said, "Yes, sir. Thank you very much. Would anyone else like to be heard? Yes, sir."

Councilmembers Moody, Gregorie, Alexander, Waring, and Wilson were excused from the Chamber at 7:34 p.m.

2. Mohammed Idris said, "Good evening, again. Mohammed Idris. Mayor, City Council, you know when you keep lying, something's going to happen. The first Ten Commandments say 'Thou shall not lie.' That's one of the Commandments. The Sofa Super fire that killed those people, those nine deaths were people not following the law. All kinds of proposals were made, but nine firemen died. They say that it was the worst tragedy since 9-11. We have a City, and I've been coming down here for 20 some odd years, and the reason why I talk like I'm talking, I want you to know, I like working with people, and I used to work with the Mayor, but the Mayor kept double-crossing, double-crossing. I would go to the Mayor's office every first Tuesday and talk to him in private, and the Mayor promised me and promised me and promised me. This is the most lying man I've ever seen, and I've been around this country. I've been to Saudi Arabia. I've been all over this place. This man will not tell the truth. Now, you can put it in nice words, but I'm going to put them in the raw. You can walk out or you can jump on the roof. Nine firemen died because of people not following the law. Now, we're going up with these buildings again. We said we're not going to do that. Mayor Riley is about to leave in a year of time. So, they're trying to get everything in now that they can, everything they can. This is totally wrong what the Mayor is doing, and thank you."

Councilmembers Moody, Gregorie, Alexander, Waring, and Wilson returned to the Chamber at 7:35 p.m.

Mayor Riley said, "Thank you very much. Would anyone else like to be heard?"

Councilmember Mitchell said, "Move for approval."

Mayor Riley recognized Councilmember Williams.

Councilmember Williams said, "Mayor Riley, I know you've been busy, but I sent you and Laurie Thompson, I've been working with Ernest to try and pull together a diversity, technology resolution. I sent it, and hopefully we'll have it on the next agenda. I asked Jennifer about that. Ernest has been working with me. He's been busy. I think it's important that as we

grow up the corridor, that we also put out there that we want these people who come in to really put some effort into it, because last year only two minority people got a PhD in the type of work that can be done at Google and Twitter. So, this is a good Resolution that is moving across the country. I sent it to you and to Laurie, and hopefully we'll have something together for Councilmembers to consider at the next Council meeting. Thank you."

Councilmember Gregorie said, "Mayor Riley."

Mayor Riley recognized Councilmember Gregorie.

Councilmember Gregorie said, "I've also been having similar discussions with Ernie, and I think that he is very sensitive to this."

Councilmember Williams said, "Yes, he is. Very much."

Councilmember Gregorie said, "There's no question."

Councilmember Mitchell said, "To echo that, Mayor Riley, Councilmember Lewis and I, we met with Ernest Andrade. We mentioned that also, and he's working on that, and he's going to make sure, we told him to make sure that this is going to happen with minority participation included. He said he's sure it's going to happen. This particular area is one of the districts I represent, East Central. The neighborhood association and everyone was contacted in that area, and they didn't have any problem with the height, and I made sure that they made rounds in that community. The community doesn't have a problem with it, so they told me to go ahead and support it. So, I'm going to make a motion that we support it."

Councilmember Williams said, "Second."

Mayor Riley said, "Thank you, sir. Is there any further discussion?"

On a motion of Councilmember Mitchell, one (1) bill (Item E-4) received second reading. It passed second reading on motion of Councilmember Williams and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Seekings, the rules were suspended and the bill was immediately ratified as:

**2014-125**      AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING TO SEC. 54-228 A NEW PROVISION TO ALLOW BUILDING HEIGHTS OF UP TO 85 FEET IN THE TECH CORRIDOR OVERLAY (TC) ZONE AND BY AMENDING SEC. 54-305 (B) TO PROVIDE THAT HEIGHTS OF BUILDINGS ON PROPERTIES LOCATED IN THE TECH CORRIDOR OVERLAY (TC) ZONE AND THE OLD CITY HEIGHT DISTRICT ARE GOVERNED BY THE PROVISIONS OF SEC. 54-228 (D).

Mayor Riley said, "Next is an ordinance to add a definition of Peninsula in the offstreet parking requirements."

Mr. Keane said, "This is on your agenda because currently the Zoning Ordinance has a different parking requirement for properties north of Mount Pleasant Street on the Peninsula than we have south of Mount Pleasant Street, which is not equitable. We're proposing to have the standard that currently applies south of Mount Pleasant Street apply to the entire Peninsula, so

up to the City limits. That's what's before you and what's recommended by the Planning Commission."

Mayor Riley asked, "Would anyone like to be heard?"

1. Mohammed Idris asked, "Could you repeat that, Mr. Keane?"

Mr. Keane said, "This would apply to parking regulations that we have on the Peninsula south of Mount Pleasant Street to the entire Peninsula. So, it would be everything up to the City limit line at North Charleston."

Mr. Idris said, "Mr. Mitchell, it came up in our neighborhood council with the parking situation at our last City neighborhood council meeting. You're saying that they are going to extend the parking."

Mr. Keane said, "Right now we have two regulations, standards as it relates to parking on the Peninsula. There's a standard that exists south of Mount Pleasant Street, and then there's a different standard that applies north of Mount Pleasant Street. What we're proposing is to have the entire Peninsula have the same standard, which is the one that currently applies south of Mount Pleasant Street and to extend that all the way to the City limits."

Mr. Idris said, "Okay. Thank you."

Mayor Riley said, "Thank you. Is there any further discussion?"

The Clerk said, "I think Councilmember Mitchell had his hand up."

Mayor Riley said, "Yes, I'm sorry."

Mayor Riley recognized Councilmember Mitchell.

Councilmember Mitchell said, "We're talking about going up into what's considered the Neck Area. Have we contacted the people in that particular area? I just want to make sure because that area's going to be able to grow, businesses that are coming into that particular area, and we still have little, small Silver Hill that's on the King Street part. That's still part of the Magnolia area, and are the people aware in Rosemont? I just want to make them aware and see how they feel about this."

Mr. Keane said, "This is something we've been asked to do for quite some time. It's something that's coming from the community. Of course, all the neighborhood presidents get our agendas. It's a very equitable thing to do. It would have no effect on Rosemont at all. So, you know, it's I think it's only been met with complete support."

Councilmember Mitchell said, "I just want to make sure because I don't want it to come back to me."

Mayor Riley said, "No, sir."

Councilmember Mitchell said, "I'm saying because this is the area that's going to be developed, so to be speak."

Mr. Keane said, "Yes."

Councilmember Mitchell continued, "I know we have some smaller businesses that are growing in that particular area. I just want to make sure that they're satisfied and they know about it because I don't want them to come knocking on my door."

Mr. Keane said, "And I'd be happy to go the Rosemount Neighborhood Association to speak to Ms. Button."

Councilmember Mitchell said, "Even on Meeting Street so to speak, we have a cab company there. You have tattoo parlors there, and you have Enough Pie there."

Mr. Keane said, "They're asking for this. They're requesting that the entire Peninsula have the same standard for parking."

Councilmember Mitchell said, "If not, I'll be back."

Mayor Riley asked, "Is there any further discussion?"

On a motion of Councilmember White, seconded by Councilmember Seekings, City Council voted unanimously to give first reading to the following ordinance:

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add a definition of "Peninsula" to Section 54-120 and amend off-street parking requirements in Section 54-317 to extend parking requirements that currently only apply to the Peninsula below Mount Pleasant Street to all areas of the Peninsula.*

Mayor Riley said, "Next is the 63.41 acres on Clements Ferry Road."

Mr. Keane said, "This is property that's on Thomas Island. This proposal is to rezone the property from Conservation to Rural Residential. It's in an area now where there are existing subdivisions that, for the most part, are not in the City. They are a much higher density than what's proposed for this property. For instance, the closest neighborhood just a couple of hundred feet north of here on Victoria Road has lots that are 6,000 square feet. In the Rural Residential District, they have to be twice the size of that. So, I think this is very appropriate for this property. We recommend it, and the Planning Commission did, as well."

Mayor Riley asked, "Would anyone like to be heard?"

No one asked to be heard.

Mayor Riley said, "Hearing none, the matter is before City Council."

On a motion of Councilmember Riegel, seconded by Councilmember Seekings, City Council voted unanimously to give first reading to the following ordinance:

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property on Clements Ferry Road (Cainhoy) (63.41 acres) (TMS #275-00-00-007) (Council District 1), be rezoned from Conservation (C) classification to Rural Residential (RR-1) classification.*

Mayor Riley said, "Item E-7 is deferred. Do you need a hearing on that?"

The Clerk said, "Just in case because it was advertised."

Mayor Riley said, "Item E-7 is 1901 Savannah Highway and 1838 and 1844 Pebble Road. It's been deferred, but if anyone would like to be heard, yes, sir."

1. Charles Smith said, "Thank you, Mr. Mayor, and I'll be brief. Mr. Mayor and Council, I'm Charles Smith. I live at 339 Cabell Street in the Dupont section of West Ashley. Earlier this evening, there were several people here from the Edgewater Park neighborhood who had also wanted to be heard, but they had to leave. They did leave a written statement and asked that I provide it to you all to report for the record. I just wish to speak for a moment. In 2006, if you turned east on Wappoo Road from Savannah Highway after you passed the back of the BP Station and all the way down to the next corner at Pebble Road, you would have seen nothing but a junkyard. That's all that was there. There were automobiles that were rusted out, containers, there was a burned-out mobile home, and two homes that were dilapidated. One had fallen in from the weight of its roof, which had been made from the backside of the Magnolia Drive-In Theatre. It was a really, really bad place. After the expenditure of over \$1,000,000 in less than a year, all of those properties were completely cleaned up. All the buildings were renovated. We had some new buildings built, and we now have great businesses there, the dental clinic, and Plantation Pharmacy, as well as Karen Crowley's salon. All of these are businesses that support our neighborhood. These are the kinds of things that we want in our neighborhood. They help us have a livable, walkable place, and they knit our neighborhood back together where we had huge gaps because things have been torn down. Other uses have gone away, but we have made a great effort in knitting this neighborhood back together successfully. I have to tell you the thought of another junkyard being in that same City block after having expended over \$1,000,000 to get rid of the last one is troubling to a lot of us, and particularly for these neighbors who live on Pebble Road, who this week have been characterized several times as being uncooperative and not willing to negotiate to have a towing facility, junkyard and impound yard backing up to their neighborhood with access onto Pebble Road. We don't want it here. Any negotiation that results in a towing service, impound yard, or a junkyard is inappropriate for this space and should not be here. Again, we are asking you to please, when you see this come before you for a vote, please vote to deny this annexation. It is unhealthy for our neighborhood. We don't want it and would appreciate your cooperation in seeing to it that we don't have to have this in our neighborhood. Thank you."

Mayor Riley said, "Thank you very much. Would anyone else like to be heard on Item E-7, which is being deferred."

Mr. Idris said, "Mohammed Idris, Mayor."

Mayor Riley said, "I'm sorry. Excuse me. They haven't spoken yet, and they've been patient. Yes, ma'am. Come on up."

2. Carmen Nash said, "Good evening, everyone. My name is Carmen Nash, and I live on Risher Street, which is in the neighborhood right behind the proposed Turkey's towing lot that we're talking about. Kind of what struck me this evening when we were talking about the moratorium is a lot of what the neighborhoods brought up from the Peninsula are the same issues that we are dealing with where we live. We have 24 children under the age of 12 that

live and play in our neighborhood. We have four streets that but-up to Pebble Road, and it is our lifeblood. It is the only entry and exit point for our 47 houses and 32 unit apartment complex. We are kind of sandwiched between the Greenway and Pebble Road. So, I was talking to a local business owner about this issue, and he said to me, 'Gosh, you mean that lot goes all the way back to your neighborhood,' and I said, 'yes.' He said, 'I did not realize that; I understand your concern.' With that in mind, I'd like to mention that the previous owner of these three lots which consist of 1901 Savannah Highway, 1838 and 1844 Pebble Road, treated these three parcels as one. The business owners entered and exited from Savannah Highway. They did not use Pebble Road. There are no curb cut-outs on Pebble Road because it's not designed to be used for business. This is a residential area, and we want to maintain that. We are not zoning experts, and we are not lawyers, but we don't want to be taken advantage of. We feel that unity of title is a must for any business at these three parcels, now or in the future. It is the only way to ensure no access on Pebble Road. To my knowledge, there is no unity of title in the current agreement drawn up by the City for the business owner. Without unity of title, the proposal to designate all three of these lots General Business is a significant departure in historical land use. Without it, there is a possibility of two businesses zoned General Business exiting and entering on Pebble Road. That is something that has never been done before. It seems, at a minimum, a proposal like this should go through a design review plan, so that professionals from all areas can weigh in on how to best proceed. That has not been required in this case. The neighborhood has been working very closely with Mr. Moody on this. He has indicated that the business owner is considering withdrawing their application. He has also indicated that the City might be interested in buying these three parcels for a fire station. That is an interesting idea, but again, unity of title is needed to ensure that a fire engine would enter and exit from Savannah Highway only. Unity of title is the only way to ensure the rights of the neighborhood. Whatever business goes in here, the neighborhood needs a buffer. We have had one before, and we need one going forward.

The nature of the proposed business is also a concern for us. Towing is open 24/7 with a high risk of light, noise, and soil contamination. The 24/7 hours should trigger the City's noise ordinances to disallow towing in the neighborhood. In other parts of our community, towing is zoned General Business or Light Industrial. None of these operations are located next to memorial site like ours is. Memorials and towing are not compatible. Allowing towing here would be a significant departure from this City's own Century V plan, which outlines a neighborhood center on these parcels. Towing is industrial and does not fit in with the memorial or neighborhood. For all of these reasons, I strongly urge you to deny the annexation and GB zoning of these lots when it comes before you. Thank you very much."

Mayor Riley said, "Thank you very much. Anyone else? Yes, ma'am."

3. Selena Stoney said, "Selena Stoney, I live on Risher Street, and I wasn't planning on speaking tonight, but I just want to say I have small children. I live in this neighborhood and as Carmen was saying, we have no other way to get to our house. We already tons of cut-through cars going through these roads. They go too fast. It's just very dangerous, and we do not want it in our neighborhood at all. Thank you."

Mayor Riley said, "Thank you very much. Would anyone else like to be heard? Yes, sir."

4. Mohammed Idris said, "Mayor Riley, ladies and gentlemen, Mohammed Idris. As a citizen and a human being, I support these people, and I wish we had this kind of help in our

neighborhood when we had a neighborhood. We don't have a neighborhood anymore. We had Spring Street. There was nothing but businesses down there, African American businesses on Spring Street and Morris Street. I don't know what happened, but we don't have that. When our children walk out to the street, they don't see African Americans running businesses that will motivate these children to do things that are right. Everybody else I'm hearing tonight are people have been invited to this City to move into this City after we have been told to move out of an area to get repairs. Then, we'll have the first access to that particular area, but I'm hearing people are being invited from all over the world to come into that area. That is wrong, and a junkyard in people's neighborhoods is totally wrong. Thank you."

Mayor Riley said, "Thank you very much."

Mayor Riley recognized Councilmember Moody.

Councilmember Moody said, "Let me just address a couple of things here. This item has been deferred by Mr. Burky. Basically, we've got an impasse here that I don't have an answer for. I've been working with the neighbors trying to come up with an answer. These three pieces of property that go from Savannah Highway to Pebble Road are zoned CC in the County. They are Community Commercial in the County. The design review or the site review in the County, basically all they are requiring Mr. Burky to do is to put a 12-foot buffer along Savannah Highway. There is no interest in next door to the memorial, and there are two access points on the backside of the property to Pebble Road that if Mr. Burky decides that he's going to stay in the County, he can put his towing company on that property and drive back through Pebble Road, which is a problem. I understand that. Through some negotiations with Chris Morgan and Frances Cantwell, we drafted an agreement where he agreed to close off, as long as this property was used by himself or his heirs or his assigns, that the Pebble Road property would be blocked or that the ingress and egress would be blocked. The City came up with a landscape plan for the whole thing where they would put nine trees down the memorial side and landscape the front and the back. He also agreed that if he didn't maintain the landscaping, that he could lose his CO, or his business license. We also put in the agreement, it was all in writing, that he would contain the light within his area, or all light would be contained in his lots and spill over into the community. I asked the community if there was anything else they wanted in the agreement, and there really wasn't much else that they could put in the agreement. So, I'm really at a stand-still as to what he might do. I am very fearful that he might just stay in the County and do exactly what he wants to do. That's why I was supporting the annexation because we had control over it if we brought it into the City. So, at this point, I don't know what's going to happen. I've kind of told Mr. Burky he's on his own. There's not much more that I can do for the neighborhood. So, I just addressed those questions. Towing companies are allowed in CC or GB. It's not a junkyard. It's a towing company, and you can say that it should be in Industrial, and that's a legitimate debate, but that's not what it is. That's not what we're dealing with. Anyway, we'll see what happens. I don't know what Mr. Burky's going to do, but we're going to have to come back and visit this at some point, but there's been a lot of work that's gone into this."

Mayor Riley said, "Very briefly, we usually don't allow two bites of the apples, but you've sat here all night, and you've very nice, very kind."

Ms. Nash said, "Thank you. I appreciate that. Thank you. Mr. Moody, I'm not sure. I think you might be misinformed about the procedure in the County because I spoke to Mr. Dan Pennick. He's the Planning Commission Director, and he explained to me that when Mr. Burky bought the land and started conversations with the County about the process, they brought up



the concern about the Pebble Road access, and they also brought up a site design review plan. At that point, Mr. Burky decided to approach the City. So, it actually is more stringent than what the City is requiring for this business. Thank you very much.”

Mayor Riley said, “Thank you. I know Councilmember Moody’s worked very hard on this, and he has taken to heart the concerns expressed by neighbors, as he does any constituents of his. Yes, sir.”

Mayor Riley recognized Councilmember Wagner.

Councilmember Wagner said, “I talked to Councilmember Moody a fair amount about this.”

Mayor Riley said, “Yes, sir.”

Councilmember Wagner continued, “I look at it as a crapshoot by the community. If they don’t want it, I’m inclined to say ‘okay,’ but if it doesn’t work the way they think it’s going to work, they’re going to have an awful lot of trucks on that street. So, I’m just hoping that you have real good legal counsel, and you guys are well-informed. I’ve told two or three of your members by e-mail, I’ll vote with the neighborhood, including two that I think I might have heard from tonight.”

Mayor Riley said, “Thank you, sir.”

Councilmember Wagner said, “Thank you.”

Mayor Riley said, “Next, we have item E-8, which is 1852 Greenmore Drive. That’s a Single-Family residence.”

Mr. Keane said, “We have two annexation zonings, numbers E-8 and E-9. This first one is on Greenmore Drive and then the second one is on Southwick Drive.”

Mayor Riley asked, “Does anybody want to be heard on Greenmore or Southwick?”

No one asked to be heard.

On a motion of Councilmember Mitchell, seconded by Councilmember Waring, City Council voted unanimously to give first reading to the following ordinances:

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1852 Greenmore Drive (West Ashley) (0.33 acre) (TMS #351-03-00-053) (Council District 7), annexed into the City of Charleston August 19, 2014 (#2014-111), be zoned Single-Family Residential (SR-1) classification.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1770 Southwick Drive (Johns Island) (0.40 acre) (TMS #279-00-00-022) (Council District 5), annexed into the City of Charleston August 19, 2014 (#2014-112), be zoned Single-Family Residential (SR-1) classification.*

Mayor Riley said, “Next, we have 528 Savannah Highway.”

Mr. Keane said, "This is an application of the Savannah Highway Overlay zone to these properties, and you can see on this map all the crosshatch properties are already in the Savannah Highway Overlay. This is the area that was recommended for this Overlay, and it does allow some non-residential use in a very limited way and requires a lot of design standards to the property. This came out of the Ashley Bridge District Plan many years ago, and the Overlay District has kind of been implemented on Savannah Highway property at a time as requests come in. So, we're recommending this, and the Planning Commission did also."

Mayor Riley asked, "Does anyone want to be heard?"

No one came forward to be heard.

Mayor Riley said, "Hearing none, is there a motion?"

The Clerk said, "Actually, we need to hold the vote until after we do the annexation."

Mayor Riley said, "So, we'll put a hold on that."

The Clerk said, "Yes."

Mayor Riley said, "Then, we will go to approving City Council minutes."

On a motion of Councilmember Alexander, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes for the September 9, 2014 City Council meeting.

Mayor Riley said, "Next, is Citizens Participation Period. Does anybody want to be heard? Yes, sir."

1. Mohammed Idris said, "Mayor, City Council, ladies and gentlemen, Mohammed Idris. I have on a shirt here of a great man. He used to be a bouncer. Now, he is the Pope, the leader of 1.2 million people, and he became the Pope after Pope Benedict said that there was an unnatural gap, wide gap between the rich and the poor. This wide gap has caused a whole lot of harm to little people in this country and big people in this country. Pope Francis is saying that corrupt politicians taking money under the table are responsible for the cause. I'm not saying this. Pope Francis is saying this. Pope Francis is saying that the poor are being done wrong because they are being denied equal opportunity in education, in economics, in politics, and in religion. We saw yesterday the action of the crooks in education when they denied Tech, that school to be opened after they had voted for those youth to be in that school and ordered that some greedy people could get some money. This is not about black and white. They use black and white to get black and white people to argue with each other, but these are crooked, greedy people, and I thank Pope Francis for the work that he is doing, and I pray that some of you all get aboard. Thank you."

Mayor Riley said, "Thank you very much. Would anyone else like to be heard during the Citizens Participation Period? Yes, sir."

2. Tim Muller said, "Good evening, Tim Muller, Chairman of the Peninsula Neighborhood Consortium and past President of the Cannonborough-Elliottborough Neighborhood Association. The reason I'm here tonight, I just want to encourage you to finally pass the contract for the Spring/Cannon two-way conversion. Our residents and businesses are eagerly waiting and looking forward to this conversion, as you may know. For those of you newer on Council, we filled

this Chamber in 2008 requesting this change, and it was approved. So, we are eagerly waiting for this change, and I encourage you to vote in support. Thank you.”

Mayor Riley said, “Thank you very much. Yes, sir.”

3. Blan Hallman said, “Hello, Blan Hallman. I reside on Percy Street, and I also want to encourage you to pass that contract. I am currently residing on Cannon Street, which is very much like a drag-strip, so we are very much looking forward to having two-way streets for our safety. Thank you.”

Mayor Riley said, “Thank you very much. Yes, ma’am.”

A citizen said, “Mr. Mayor.”

Mayor Riley said, “I’ll get you next. I’m sorry. I ignore that side sometimes, but I’ll catch up with you.”

4. Jenny Bevan said, “Jenny Bevan, current Vice President of the Cannonborough-Elliotborough Neighborhood Association, just reiterating what they’re saying. Please do pass that bill. We’ve been working a long time to get these streets converted and hope to see it happen tonight.”

Mayor Riley said, “Thank you. Yes, sir.”

5. Cooper Wilson said, “I’m Cooper Wilson. I live at 142 Spring Street. I’m in favor of the two-way conversion, as well. Our street is not a highway. It’s a street and neighborhood. The whole City’s coming our way, and we would really appreciate you passing this to make it a two-way street. Thank you.”

Mayor Riley said, “Thank you very much. Yes, ma’am.”

6. Mary Mac McFadden “Good evening. My name is Mary Mac McFadden. I’m the Secretary of the Cannonborough-Elliotborough Neighborhood Association, and I just want to reiterate what our neighbors have said. We appreciate that we’ve gotten this far, and we are enthusiastic for you all to approve this contract tonight and get started. Thank you.”

Mayor Riley said, “Thank you all. Yes, sir.”

7. Kurt Cavanaugh said, “Good evening. My name is Kurt Cavanaugh, Executive Director of Charleston Moves. Charleston Moves is a non-profit organization that is a bike and pedestrian advocacy group, but really we’re a livable streets, safe streets advocacy group. I’d like to second those who have been in favor tonight of the Spring and Cannon Street two-way conversion. It’s common sense in planning circles anyway that two-way streets with narrow lanes are much safer than one-way streets with drag strip-like lanes. I want to keep in mind that this \$4.2 million contract takes into account not just beautification and reversing the roadway, but also ensures that we get pedestrian signalization at each intersection, that we get real striping, that we get sharrows for bikes in the middle of the lane and not the side, and combine that with real good signage. Also, I want to speak in regards to the bike parking on King Street. I do think that overall bike parking corrals are great, but to use the ‘m’ word, the moratorium, we think that the City should really consider a moratorium on the confiscation of bicycles on King Street and perhaps giving a warning before taking someone’s bike. I bike everywhere. If my bike were taken, I would be

devastated, and it's not simply 45 bucks to get it back, it's a new lock. That's 100 bucks, minimum. It's also, 'did my bike get stolen; where is it; I don't know what's going on.' I mean 30 percent of the bikes that have been confiscated have not been recouped by the owner. So, let's keep that in mind. I'd love to work with you all from Charleston Moves and myself to make a better policy, and also the final thing I'll say is we also need to work on a Citywide, comprehensive bike parking policy. Thank you."

Mayor Riley said, "Thank you very much. Yes, ma'am."

6. Katie Zimmerman said, "Hi, thanks. I'm Katie Zimmerman. I direct the Coastal Conservation League's air, water, and public health program. I just wanted to reiterate our support of the two-waying of Spring and Cannon Streets. That's really exciting, and I know the neighborhood has wanted it for a while. Also, I do want to speak about the bicycle parking program. I totally understand the need to keep the sidewalks clear. Obviously, we want safe, clean sidewalks. I think this is, as proposed, the bicycle parking program is a little bit backwards right now. So, I would suggest accessing the program area that you currently have. So, from Spring to Calhoun, take a look at how much bike parking exists there right now, how many have been confiscated, how many you're still seeing tied to trees and other things, and then look at the needs, do a needs assessment, and that would include the folks who go the Farmer's Market weekly. Right now, you've got Charleston Moves doing a free bike valet parking thing, which is great, but they're basically just subsidizing what we should be doing as a community and providing those bike parking spots. Once you've got all that straightened out, and I say 'you,' but I think you've got the college, you've got the Coastal Conservation League, you've got Charleston Moves, plenty of resources to help determine what those numbers should look like and do the data collection and assessment with the Police Department. Then, you can talk about expanding the bicycle parking program down to Market Street. You don't want to sort of double-up, provide a minimal amount of parking, have this bike education program, but then also dissuade bicyclists from using King Street and shopping on King Street, which is something that I've already found myself doing. I only bike. Those bike corrals are full all the time, and I want to be a law-abiding citizen. You're always going to have people breaking the law, but let's encourage otherwise. I have to say that I think that if the bicycle parking program goes forward as currently proposed, I think that's only going to send the message that despite all this planning and work that we're doing, we're not actually a bike-friendly city. It's going to dissuade folks from bicycling, and it's going to punish folks from doing the right thing. Thank you."

Mayor Riley said, "Thank you, ma'am. Would anyone else like to be heard? Yes."

Mr. Cavanaugh said, "There's one thing I didn't mention. Katie, thank you for mentioning the bike valet at the Farmer's Market. We agreed to provide free bike valet services in order to be put out of business. We do want more racks and more facilities near the Farmer's Market, so we don't have to provide this each weekend. I think Jane Jacobs would approve of that. Thank you."

Mayor Riley said, "Thank you very much. Would anyone else like to be heard?"

Councilmember Seekings said, "Mayor Riley, very briefly."

Mayor Riley recognized Councilmember Seekings.

Councilmember Seekings said, "For those who sat here for so long and came to speak in favor of Spring/Cannon may not have been here during Ways and Means. We actually got a report from Mr. Clemens tonight. We passed the funding for that at Ways and Means, and we got a

report from Mr. Clemens that the project will likely start in November and is contracted for a year and a half, but probably won't take that long. So, if people are wondering where we are in the continuum, so long as we finish our vote tonight, which we've already voted on, you'll have a project funded and ready to go in November."

A citizen in the audience said, "Thank you."

There was applause in the Chamber.

Mayor Riley said "That is, the Ways and Means Committee report will be presented to City Council shortly for adoption. I didn't think of you all not being here then, and I want to reiterate that Councilmember James Lewis is ill and was hospitalized last week, and he was a strong advocate for this, and we miss him anyway, but miss that he wasn't able to be here tonight to vote for it because he really kept on us to make sure. It was very complicated, the DOT regulations and all the encroachment permits, but anyway, it's going to be wonderful, and Councilmember Lewis deserves a lot of credit for that. Then, we're moving right along here. We are at Petitions and Communications, and we have City Council Reports, Public Safety Committee."

Councilmember Wilson, Chair of the Public Safety Committee, said, "The Committee on Public Safety met on September 16<sup>th</sup> and we heard updates from Fire, Police, and Emergency Management, and we saw some very, very interesting presentations, some simulated presentations from Chief Brack. We met at the old station on Wentworth and had a tour of the station and saw the training that they're undergoing via a simulator. It's remarkable, it's state of the art, and is well worth any Councilmember's time who wishes to go on up and look at it. We appreciate the tour, and we appreciate the updates."

Mayor Riley said, "Thank you, ma'am."

Councilmember Wilson "And approve the report."

On a motion of Councilmember Wilson, seconded by Councilmember Seekings, City Council voted unanimously to approve the report of the Committee on Public Safety.

---INSERT PUBLIC SAFETY COMMITTEE REPORT---

(Updates:

Police Department  
Fire Department  
Emergency Management

Mayor Riley said, "Public Works and Utilities."

Councilmember Wilson said, "Excuse me, Mr. Mayor. May I be excused to go back to rehearsal?"

Mayor Riley said, "Of course, yes, ma'am."

Councilmember Wilson was excused from the meeting at 8:09 p.m.

Mayor Riley said, "Public Works and Utilities."

Councilmember Waring, Chair of the Public Works and Utilities Committee, said, "The Committee on Public Works met yesterday. We had one acceptance and dedication of a right-of-way, which is Carolina Bay, Phase 11, a portion of Gammon Street, a 50 foot right-of-way. It passed unanimously, and I so move for approval."

Mayor Riley asked, "Is there any discussion?"

On a motion of Councilmember Waring, seconded by Councilmember Seekings, City Council voted unanimously to approve the report of the Committee on Public Works and Utilities.

---INSERT PUBLIC WORKS AND UTILITIES COMMITTEE REPORT---

- (Acceptance and Dedication of Rights-of-Way and Easements  
Carolina Bay Phase 11C – acceptance and dedication of a portion of Gammon Street (50-foot right-of-way).  
a. Plat  
b. Title to Real Estate

Mayor Riley said, "Committee on Traffic and Transportation, Mr. Chairman."

Councilmember Moody, Chair of the Traffic and Transportation Committee, said, "Thank you, Mr. Mayor. We have one taxi certificate that we need to approve tonight, so I would make a motion that we approve that."

On a motion of Councilmember Moody, seconded by Councilmember Seekings, City Council approved Item 'a' of the Committee on Traffic and Transportation Report.

- (Application for Original Certificate of Public Convenience and Necessity Certificate  
for Taxi Cab/Limousine  
-- Julius Baylock, DBA B&D Taxi (Taxi)

Councilmember Moody continued, "We have two other items there dealing with the bike rack and the mopeds. We have a first reading on both of those ordinances, and I'm not sure exactly whether you want to hear from the Chief, but we heard from the Chief, and the Committee voted to approve both of those ordinances. Basically, what that first one does is we are expanding these bike corrals. We're putting in more of them. They've got the spaces already lined up, and basically when we put those corrals in, the ordinance makes it illegal for you to chain something to the post. So, we want to force the people to use those and not do the other, but we're going through an education process to make that happen. The other part of the ordinance change there, is that mopeds basically, for State Law, are treated like motorcycles, and they should not be parking on the bike corrals, if you will. So, those are the two items that we approved in our Committee. Madam Clerk, can I make a motion to give first reading to both?"

The Clerk said, "Yes, absolutely."

Councilmember Moody said, "Then, I'll make that motion that we approve both of those."

Mayor Riley asked, "Is there any discussion?"

No one asked to be heard.

On a motion of Councilmember Moody, seconded by Councilmember Seekings, City Council voted unanimously to approve Items 'b' and 'c' of the Committee on Traffic and Transportation Report.

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

(Amend Chapter 19, Section 123 of the Code of the City of Charleston to extend the existing boundaries of the King Street bicycle rack parking program from Calhoun Street to Spring Street to the section of King Street from Spring Street to Market Street

(Amend the Code of the City of Charleston, Chapter 19, Section 139 to prohibit moped parking at bicycle racks consistent with State law

First reading was given to the following ordinances:

*An ordinance to amend Chapter 19, Section 123 of the Code of the City of Charleston to extend the existing boundaries of the King Street Bicycle Rack Parking Program from Calhoun Street to Spring Street, to the section of King Street from Spring Street to Market Street.*

*An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 139 to prohibit moped parking at bicycle racks consistent with State Law.*

Mayor Riley said, "Ways and Means Committee. That includes the Spring/Cannon contract."

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted unanimously to approve the Committee on Ways and Means Report.

---INSERT WAYS AND MEANS REPORT --

(Bids and Purchases

(Police Department: Approval to accept the 2014 Edward Byrne Memorial Grant from OJP in the amount of \$29,642 for Wearable Video Recorders. No City match is required.

(Office of Cultural Affairs: Approval to apply for a grant in the amount of \$2,500 from the SC Arts Commission for the 2014 MOJA Arts Festival Literary Corner and Dance Gala. A City match in the amount of \$2,500 will come from ticket sales. This grant was submitted August 14, 2014.

(Fire Department: Approval of a Memorandum of Understanding ("MOU") between the City of Charleston and the Charleston County Sheriff's Office to provide mutual assistance along with multi-agency marine public safety units to respond to homeland security fire protection related issues, patrol waterways, conduct search and rescue missions, and provide other assistance to local, State, and Federal agencies as needed. The MOU further provides that the Charleston Fire Department will participate in the Charleston Metro Marine Unit, hosted by the Charleston County Sheriff's Office, for administrative and training purposes. The MOU will remain in effect for one year from the date of ratification and will automatically renew thereafter unless one party decides not to renew it.

(Parks-Capital Projects: Approval of a construction contract with AOS *Specialty Contractors*, in the amount of \$4,193,007.57, for streetscape, two-way street

conversion, and new signalization construction on Spring and Cannon Street corridors. The contract includes the base bid of \$3,918,609.92; additive bid #1, in the amount of \$218,397.65, for signalization; and additive bid #2, in the amount of \$56,000, for brick detail planters. Approval of the construction contract will institute a \$5,852,127.13 project budget, of which the \$4,193,007.57 construction contract will be funded. The funding source for this project is Gateway TIF {\$5,852,127.13}.

(Parks-Capital Projects: Approval of a professional services contract and fee amendment #8 with *Kenneth B. Simmons Associates*, in the amount of \$209,371.83, for construction administration services for the Spring & Cannon Streetscape, two-way street conversion, and new signalization project. Approval for the fee amendment will increase the existing contract with *Kenneth B. Simmons Associates* by \$209,371.83, from \$611,811 to \$821,182.83. The funding source for this project is Gateway TIF {\$5,852,127.13}.

(Public Service: Approval of IPR Southeast, LLC's proposal in the amount of \$600,000 to perform various storm drain cleaning & inspection services per their response to a RFQ for these services. Contract is for two years with option of two one-year extensions.

(Public Service: Approval of Southern Premier Contractors, Inc.'s proposal in the amount of \$600,000 to perform various storm drain cleaning & inspection services per their response to a RFQ for these services. Contract is for two years with option of two one-year extensions.

(Public Service: Approval of emergency storm drain repairs in the amount of \$301,844.35 at Dunnemann Avenue (between 10<sup>th</sup> & Wagener Avenue) by B&C Utilities, Inc. This was an emergency repair. Due to the presence of numerous sink holes in the road, the work was completed to avoid a potential safety hazard.

(Condemnation Resolution for Cainhoy Public Safety Facility  
(Executive Session related to acquisition of easements

First reading was given to the following resolution:

Condemnation Resolution for Cainhoy Fire Station

Mayor Riley said, "Bills up for second reading."

The Clerk said, "We have three, Items K-1 through K-3."

On a motion of Councilmember Mitchell, three (3) bills (Items K-1 through K-3) received second reading. They passed second reading on motion of Councilmember Seekings and third reading on motion of Councilmember Seekings. On further motion of Councilmember Mitchell, the rules were suspended and the bill was immediately ratified as:

**2014-126** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A FIRST AMENDMENT TO THE CONTRIBUTION AGREEMENT BETWEEN THE CITY, HORIZON PROJECT FOUNDATION, INC. AND THE MEDICAL UNIVERSITY OF SOUTH CAROLINA FOUNDATION SO AS TO SUBJECT TO THE CONTRIBUTION AGREEMENT AN ADDITIONAL PARCEL OF PROPERTY BEARING CHARLESTON COUNTY TAX MAP NO. 460-10-02-020 AND TO AMEND EXHIBIT B TO THE CONTRIBUTION AGREEMENT TO REFLECT THE ADDITIONAL PARCEL, TO



ESTABLISH AN APPRAISED VALUE FOR THE PARCEL AND THEREBY REVISING THE CHARITABLE DISTRIBUTIVE SUPPORT ALLOCABLE TO THE PARTIES UNDER THE CONTRIBUTION AGREEMENT.

**2014-127** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT WITH CHARLESTON TENNIS, LLC PERTAINING TO THE LEASE AND MANAGEMENT OF CITY-OWNED FACILITIES KNOWN AS THE FAMILY CIRCLE STADIUM, SATELLITE COURTS, RACQUET CLUB AND THE GROUNDS ASSOCIATED THEREWITH, ALL AS SET FORTH IN THE AGREEMENT ATTACHED TO THIS ORDINANCE AS EXHIBIT A AND INCORPORATED THEREIN BY REFERENCE.

**2014-128** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 528 SAVANNAH HIGHWAY (UNITS A-C) AND 530 SAVANNAH HIGHWAY (UNITS A-D) (0.48 ACRE) (TMS# 421-03-00-165 AND 421-03-00-166), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11.

Councilmember Mitchell said, "We have to go back to E-10."

The Clerk said, "Yes, we'll go back to E-10."

Mayor Riley said, "So, we're back to E-10, which is 528 Savannah Highway. Is there a motion on that there?"

On a motion of Councilmember Mitchell, one (1) bill (Items E-10) received second reading. It passed second reading on motion of Councilmember Moody and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Gregorie, the rules were suspended and the bill was immediately ratified as:

**2014-129** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 528 (A-C) SAVANNAH HIGHWAY AND 530 (A-D) SAVANNAH HIGHWAY (WEST ASHLEY) (0.48 ACRE) (TMS #421-03-00-165 AND 166) (COUNCIL DISTRICT 11), BE ZONED SINGLE-FAMILY RESIDENTIAL AND SAVANNAH HIGHWAY OVERLAY ZONE (SR-1 AND SH) CLASSIFICATIONS.

Mayor Riley said, "Then, these other things are getting signed here, which are almost finished. Then, we have bills up for first reading."

The Clerk said, "They are deferred."

Mayor Riley said, "So, we have Miscellaneous Business."

There being no further business presented, City Council adjourned at 8:13 p.m.

Vanessa Turner Maybank  
Clerk of Council